

Harris County  
**HCPHES**  
Public Health & Environmental Services  
Environmental Public Health Division

*UB* *for*

**INVESTIGATION REPORT**

**INVESTIGATION DATE:** May 22, 2009

**TIME:** 10:25 AM to 11:30 AM

**ID** 15233

MCC Recycling LLP c/o  
U. S. Oil Recovery, L.P. , Integrated MCC Solutions LLC and  
Genssler Environmental Holdings, LLC  
6363 Woodway Dr., Ste 1125  
Houston, Texas 77057-1758

**LOCATION OF INVESTIGATION:** 200 Richey Rd, Pasadena Texas 77536

**KEY MAP:** 536 G

**PERSONS CONTACTED:** James Wise  
Daniel Moore  
Jhonaton Lara

**TELEPHONE NUMBER:** See below

**TITLE:** See below

**WEATHER:** Clear

**WIND DIRECTION:** NW

**SPEED:** 3-5 MPH

**INVESTIGATOR:** E. A. Gynn

**PHOTOS:** 5/22/09 - 48  
5/26/09 - 56  
5/29/09 - 32  
5/30/09 - 13  
5/31/09 - 3  
6/2/09 - 46

**NATURE OF INVESTIGATION:** Water - Non-storm water - Non-MS4 - Industry

**VIOLATION:** TWC 26.121; 30 TAC 335.2(a); TRO (May 22, 2009) Items 1 and 3

**NARRATIVE:** See Attached

## INVESTIGATION REPORT

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#### Introduction

On May 15<sup>th</sup>, 18<sup>th</sup>, and 20<sup>th</sup>, 2009, Wastewater Permit Specialist John Emerson conducted inspections of the facility identifying itself as MCC Recycling LLP (MCC) in response to complaints and reports of spills. His findings may be found in his report dated May 15, 2009. As a result of his findings, a Temporary Restraining Order (TRO) was issued on May 22, 2009 enjoining MCC from having further spills, bringing in additional wastewater without authorization, and requiring MCC to report any spills should they occur (see Attachment A-1). This report addresses investigative activities and events that occurred from May 22<sup>nd</sup> through June 2<sup>nd</sup> 2009 (see Attachment A-2).

#### *Persons participating in the investigation:*

E. A. Guynn – Senior Coordinator, Training	A. Tomlinson – Investigator
N. Genz – Supervisor, Solid Waste Section	A. Rushanan – Investigator
J. Emerson – Wastewater Permit Specialist	

#### *Persons associated with MCC/USOR contacted:*

James Wise – Environmental Manager USOR	Jhonaton Lara – Employee of USOR
Daniel Moore – Contractor/Plant Operator MCC	Tommy Kaiser - Electrician

#### *Physical Inspections conducted at the facility:*

May 22, 2009 – E. Guynn and N. Genz accompanied by James Wise  
May 26, 2009 – E. Guynn and A. Tomlinson accompanied by James Wise and Daniel Moore  
May 29, 2009 - E. Guynn and A. Tomlinson contacted Jhonaton Lara.  
June 2, 2009 – E. Guynn and J. Emerson accompanied by Daniel Moore and Jhonaton Lara; Tommy Kaiser, also present at facility.

#### *Drive-by inspections:*

May 29, 2009 – E. Guynn and A. Rushanan (separately)  
May 31, 2009 – J. Emerson

#### Site Information

The MCC Recycling LLP facility is an approximately 5 acre property (see Attachment B-1) containing several structures that once made up the City of Pasadena's Vince Bayou municipal wastewater treatment plant (WWTP). The City of Pasadena closed the plant on March 8, 2004 (see Attachment B-2). The plant and property had not been used or maintained at the time of its purchase by US Oil Recovery #2



## INVESTIGATION REPORT

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(USOR #2) on December 1, 2008 (see Attachment B-3) for approximately 5 years. According to City of Pasadena Engineer, D. Dayananda, the plant was sold as-is. He stated that Pasadena did not conduct a property assessment before the sale. He stated that he personally notified the President of USOR, Klaus Genssler, that a lot of copper electrical wiring was missing and that there were problems with the clarifier on the west side of the plant that consisted of a leak to Vince Bayou and that when the water level in Vince Bayou got high, it flooded into the clarifier. Employees, specifically Mr. James Wise, informed me that MCC and USOR (US Oil Recovery LP) are separate companies owned by the same principals and that the facility is operating under the name MCC Recycling LLP. This is further supported by a letter from USOR Klaus Genssler to City of Pasadena Public Works Director Robin Greene (see Attachment B-4). The relationship between the companies is still unclear. MCC is registered with the Texas Secretary of State office (see Attachment B-5).

The intended use of the site by MCC is an industrial waste water pretreatment plant. According to D. Dayananda, USOR, by agreement, ceased their discharge to the City of Pasadena on the last day of February 2009 and began discharging to the MCC facility. James Wise verified that the MCC facility started receiving waste water at the beginning of March.

The WWTP facility is bisected by Vince Bayou effectively dividing it into two sections (see Attachment B-6). The West section or side consists of two clarifiers, a trickle filter basin/system, a lift station, an influent tank equipped with grit traps, and a small concrete block maintenance building. The East section or side consists of a sludge thickener, a pumphouse, a 600,000 gallon digester, 2 clarifiers, 2 additional digesters, 2 aeration basins, a lift station, 2 sand filters, a chlorine contact chamber, a chlorine building, a sludge processing building, and an office/shop building. The two sides are connected by a pipe rack and foot bridge erected over Vince Bayou. Note that the descriptions used here describe the originally designed use of the structures and tanks and not the repurposed use they are currently being put to by MCC. All of the tank and sump structures are constructed of poured concrete. All structures with the exception of the sumps, lifts stations, the west clarifier, and the sludge thickener are constructed above the surface.

There are five outfalls leading from the facility to Vince Bayou. Two outfalls are located on the west side of the facility and three outfalls are located on the east side of the facility. On the west side, one outfall is a stormwater outfall consisting of an approximately 8 inch concrete pipe that originates in the area around the trickle filter. The second outfall, located approximately 30 feet north of the foot bridge originates in a sump approximately 20 ft west of the outfall. This sump has two incoming gate valves. The

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gate valves connect to the clarifiers and trickle filter on that side of the plant (see Attachment B-7). The gate to the upper clarifier and trickle filter was closed at the time of this investigation. The gate to the lower clarifier was missing. This outfall also had a gate at the discharge point at Vince Bayou, the gate was open at the time of this investigation. On the east side, one outfall is located approximately 5 feet north of the foot bridge. This outfall originates near the southeast corner of the sand filters. The remaining two outfalls are adjacent to each other and are located approximately 100-150 feet north of the foot bridge. The origin of the northmost outfall is unknown at this time. The more southern outfall originates at the chlorine contact chamber.

At the time this investigation began, I observed that the plant was still in need of a lot of maintenance and refurbishing (see photographs on file). It was clear that while a lot of electrical work had been conducted based on new conduits and boxes, it was not finished. This was evident in the presence of empty trenches for conduits from the new boxes, missing or damaged wiring and conduits at the lift station on the east side of the plant and at various other locations around the plant. It was also clear that tanks, pipes, valves, and structures had not been cleaned, cleared, or properly maintained before the plant was put into use by MCC. This was evident in the fact that the chlorine contact chamber contained approximately 40 cubic yards of sludge, the sand filters had plant growth in them, similar plant debris was floating on the contents of the clarifiers and aeration basins on the east side, there was trash, litter, and plant debris in the raceways connecting the tanks, plant debris and litter was obstructing at least one gate valve preventing it from seating and causing leakage on the east side. A gate valve was completely missing on the west side between the clarifier and Vince Bayou. Severe rust on metal apparatus was endemic. According to Daniel Moore, many of the valves were in bad shape or were altogether frozen. As described later in this report, some of these maintenance issues have resulted in discharges from the facility.

### Authorizations

A search of the Texas Commission on Environmental Quality (TCEQ) Central Registry Database under both MCC and USOR found that the only authorizations for the facility were a used oil registration and a general waste water permit for discharges associated with petroleum bulk stations and terminals (see Attachment C-1). The waste water general permit was cancelled on May 29, 2009 per James Wise via a Notice of Termination sent to the TCEQ. The state adopted federal regulations with regard to used oil processing (see 30 TAC 324.1). The wastewater present at MCC is not subject to the used oil processing

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rules per Title 40 Code of Federal Regulations (CFR), Section 279.10(f) and 279.20(b)(2)(ii)(B). Neither of these authorizations are relevant to the activities conducted at the site during the time of this investigation.

As stated above, the MCC facility began receiving industrial wastewater from USOR at the beginning of March 2009. As of June 2, 2009, the facility contained an approximate 2 million gallons of industrial wastewater contained in various tanks and structures on the site. In my estimation, the facility was at its full holding capacity. Daniel Moore and James Wise agreed with this estimation. The only tanks/structures not fully containing industrial wastewater were the chlorine contact chamber and the sand filters (see photographs on file). MCC had begun aeration treatment in the lower clarifier on the west side of the facility on May 22, 2009 but ceased before June 2, 2009. The MCC facility does not have an individual permit to discharge wastewater per the TCEQ. According to James Wise, the facility had not yet applied for an individual permit though that was their intention. The MCC facility does have authorization from the City of Pasadena to discharge to their WWTP (POTW) as long as certain water quality and flow requirements are met (see Attachments C-2). As of June 2, 2009, MCC has been unable to meet the discharge requirements set by the City of Pasadena according to Robin Green, the Director of Public Works and D. Dayananda.

Due to the fact that the facility is not authorized under the Clean Water Act and is not discharging to a POTW, none of the tanks or structures at the site can be considered wastewater treatment units (see 30 TAC 335.1 (161) and is therefore ineligible for the wastewater exemptions found in 30 TAC 335.2(d)(6) - (9) or 30 TAC 335.2(n). The facility is required to have a permit pursuant to 30 TAC 335.2(a). Correspondence between Jennifer Wheeler and Ed St. James of the TCEQ confirms the lack of authorization (see Attachment C-4).

### Process Description

According to James Wise and Daniel Moore, there was a two-phase plan to begin processing waste water at the MCC facility. This included the repurposing of several tanks and structures. The primary goal of the treatment process was to bring in pre-treated wastewater that was high in total organic carbon (TOC) and biochemical oxygen demand (BOD) from USOR, treat these issues to a level acceptable by the City of Pasadena, then discharge to the City of Pasadena's WWTP. The Phase I process diagram can be found in Attachment D-1. The Phase II process would involve the rest of the tanks/structures not listed in the Phase I diagram and quite possibly a direct discharge to Vince Bayou if an individual permit was attained. Significant changes in the use of tanks (repurposing) included using the lower clarifier on the west side as

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an aeration basin and using the 600,000 gallon digester as holding tank for treated water before discharge to the POTW.

At the time this investigation was conducted, nearly all tanks and structures were being used to store pre-treated wastewater from USOR. The wastewater was brought in from USOR, it went into the "concrete structure" (earlier described as the influent tank) then was pumped through the non-functioning trickle filter, then to the clarifier, then to the lift station, then to the clarifier (formerly sludge thickener) on the east side where it was distributed to various tanks for storage. The clarifier, now aeration basin, was actually being used to treat waste water on May 22, 2009 through at least May 29, 2009. Mr. Moore stated that the three 20,000 gallon portable tanks that had been first observed at the site on May 30, 2009, were brought in to store treated water until such a time as it could be discharged to the City of Pasadena POTW. As of June 2, 2009, the portable tanks were empty as aeration had been discontinued and the water in the aerator had gone septic (see photographs on file). Mr. Moore informed me that the septic water would have to be trucked out before they could begin treating again. Observing that the plant was storing wastewater at capacity, I found it difficult to see how the waste water could be treated per the Phase I plan presented by MCC without first clearing some of the tanks currently being used for storage.

### Spills and Leaks

As stated in the site information section above, the MCC facility is fairly old and had been not been maintained for approximately 5 years. While some refurbishing has been completed and continues to be conducted primarily on electrical systems, some piping, and painting, there is still much to do in my estimation based on observations described in the previous sections and observations described here.

During the inspection conducted on May 22, 2009, Supervisor – Solid Waste Section Nancy Genz and I, accompanied by James Wise, observed the areas remediated after the spills that are described in Wastewater Permit Specialist John Emerson's earlier report on this subject. We observed freshly disturbed soil in an area leading from the lift station on the west side of the facility to Vince Bayou. Mr. Wise was required to leave, but allowed us to walk the facility. The east side of the facility was locked so observations were made from outside the fence. On the east side of the facility in the area north of the clarifier, we observed disturbed soil but it was difficult to determine if this was due to a spill or was associated with the trenches laid for electrical conduit (see photographs on file). We also observed an area of dead vegetation leading from the south side of the clarifier to the Richey roadside ditch. As we crossed



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over Vince Bayou on the footbridge, we observed that the water in the bayou was black and smelled moderately of sulfur compounds. We did not observe and aquatic animals alive or dead.

During the inspection on May 26, 2009 Investigator Tony Tomlinson and I were accompanied by James Wise and were later joined by Daniel Moore. Prior to our arriving at the site, Mr. Wise had contacted Environmental Public Health (EPH) regarding a spill at the facility. We arrived at the facility at approximately 10:30 AM. Mr. Wise accompanied us to the lift station on the west side of the plant where the spill had occurred. We observed that the concrete and grate covering of the lift station was still wet. We also observed a path of wet soil and puddles leading from the lift station to Vince Bayou. There was no active flow when we arrived. At 10:50 AM, samples were collected from a large puddle of the wastewater adjacent to the lift station. We observed schools of carp and a gar in the bayou indicating that the aquatic life appeared well. Mr. Wise informed us that he arrived, observed the spill and had manually switched on the lift station pumps to stop the overflow. He did not know the duration of the flow but estimated that approximately 500 gallons had overflowed with at least 10% of the wastewater making it to the bayou. When asked if wastewater was being transferred from USOR to MCC when the spill occurred, he said yes. Also when asked, he informed us that no one had been at the plant since the previous evening until an unnamed employee observed the spill and notified him. Mr. Moore confirmed on June 2, 2009, that the floats that automatically control the lift station pumps were not operating and that the lift station must be manually operated. This discharge was a violation of the Texas Water Code Section 26.121 and was also a violation of Item 1 in the temporary restraining order issued on May 22, 2009. The fact that wastewater was being received by MCC was an additional violation of Item 3 in the temporary restraining order.

During the inspection on May 26, 2009, Investigator Tony Tomlinson and I also observed a number of leaks within the facility. One leak in particular appeared that it might be discharging to Vince Bayou. The first leak we observed originated in the aeration basin. The level of the wastewater being treated in the tank was low enough that it did not cross over the inner baffle or weirs around the rim to enter the effluent launder; however, wastewater was leaking into the effluent launder possibly due to faults in the concrete. The flow rate was very low, I estimated it to be approximately 1-2 gallons per hour. The wastewater then entered the overflow where it traveled to a sump located midway between the aeration basin and Vince Bayou. We were informed that there was a closed valve located in the pipe between these two locations but since the control was covered with undisturbed soil, could not verify if it was open or closed. A piping diagram supplied by the City of Pasadena suggests that the valve in question actually controls a connecting

## INVESTIGATION REPORT

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line (see Attachment B-7) and not the pipe in question. At the sump where the pipe enters from the aeration basin, we observed the framing for a gate valve (as described in the Site Information section of this report); however, the gate and valve control were missing. We observed that another pipe led directly from the sump to an outfall structure at Vince Bayou the gate on the outfall structure was open. Due to the very low flow rate, the fact that water was backed up from the bayou into the sump structure, and the fact that the outfall was partially submerged, we were unable to determine if the leak was actually making it into the sump or the bayou. The second leak we observed was located in the raceway from the clarifier on the east side of the facility. Wastewater was trickling from the clarifier through the raceway at a rate of approximately 1-3 gallons per hour where it leaked through an improperly set "closed" gate valve to another tank, eventually to be caught in the siphon loop from the sand filters to the chlorine contact chamber. The valve at the chlorine contact chamber side of the siphon was verified to be closed. The gate valve was improperly seated because debris consisting of plant material, old gloves and other litter had not been cleaned from the bottom of the raceway and the gate frame, so that when the valve was "closed" it could not seal completely.

On May 29, 2009, EPH was notified of a spill from the east side clarifier at approximately 2:30 AM (see Attachment E-1). According to the notification, approximately 5000 gallons of wastewater had spilled with approximately 500 gallons of that going into Vince Bayou. Investigator Tony Tomlinson and I proceeded to the facility where we met with TCEQ representative Greg Goode. We were unable to contact James Wise at that time and called the USOR office to see if another escort was available. Mr. Jhonaton Lara was assigned as the escort though he was quite busy working on the clarifier and we did not speak much. We observed that there was small debris and discoloration along two sides of the clarifier and that the wastewater level exceeded the inner baffle and weirs and flooded the effluent launder. This level dropped at least 4 inches while we were present at the facility. Mr. Lara informed us that he got the pump working and the wastewater was being transferred to the 600,000 gallon tank. We also observed puddles and wet soil running from the clarifier in three directions. One path led from the south side of the clarifier to the roadside ditch on Richey. It was clear that some measure had been taken to contain the spill from this point at the fence line as a small earthen berm had been constructed and a shovel was nearby (see photographs on file). Another path led to a pooled area between the facility road and the clarifier. A third path of wet soil and puddles led along the sidewalk then to Vince Bayou. Again, it appeared some measures in the form of earth berms across the sidewalk had been taken to try and contain the spill. I was informed that employee/operator Godfrey Gberry among others had been present when the spill occurred.

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The cause of the spill was unclear until I spoke with Daniel Moore on June 2, 2009 when he informed me that a pump was faulty and that a check valve had stuck causing head pressure to build and backflow from the 600,000 gallon tank back to the clarifier. This discharge was a violation of the Texas Water Code Section 26.121 and was also a violation of Item 1 in the temporary restraining order issued on May 22, 2009.

### Reinspection

As a result of the additional spills, a more stringent Temporary Restraining Order was issued on May 29, 2009 (see Attachment F-1). On June 2, 2009, an inspection was conducted by Wastewater Permit Specialist John Emerson and I to verify compliance with the restraining order. We met with Daniel Moore and Jhonaton Lara at the site. Mr. Lara was assigned to attend the site. Also present was Mr. Tommy Kaiser an electrician working on the site. We observed that the clarifier on the east side had been pumped down several feet. We did not observe any leaks in tanks or structures that would lead to a discharge under normal circumstances on the east side of the facility. It appeared that valves leading to outfall structures were closed. On the west side of the facility, we observed that the treatment had discontinued in the aeration basin and that the water had turned black in color. There was no leak occurring from the aeration basin at this time. We verified that there was no wastewater being transferred from USOR at the time of our inspection and no evidence of additional spill or discharges. There was still some doubt as to whether the outfall on the west side had been blocked. Employees were convinced that the valve in the pipe actually controlled the discharge from the aeration basin and that it was closed. Mr. Moore informed me that he had been told to stop treating as they were not allowed by the TRO to discharge to the Pasadena POTW. I read the specific section of the TRO to him and explained that the Pasadena POTW was an authorized facility and that wastewater could be sent to them provided they accepted it.

### Conclusion

During the course of this investigation the following violations were determined:  
*Texas Water Code Section 26.121 Unauthorized Discharge* – On May 26, 2009 and again on May 29, 2009, MCC had spills from the lift station and east clarifier respectively resulting in discharges to Vince Bayou.

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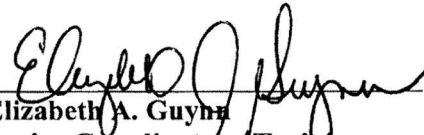
*30 TAC 335.2(a) Permit Required* – At the time of this investigation, the tanks and containers at the MCC facility located at 200 N. Richey could not meet the definition of a wastewater unit and is therefore ineligible for exemption from permitting.

*TRO issued May 22, 2009 Item 1* - On May 26, 2009 and again on May 29, 2009, MCC had spills from the lift station and east clarifier respectively resulting in discharges to Vince Bayou.

*TRO issued May 22, 2009 Item 3* – On May 26, 2009, wastewater was being received by MCC which was operating without authorization.

NPI given to subject: ☐ Yes ☒ No  
NPI left at site: ☐ Yes ☐ No  
Reinspection Warranted: ☒ Yes ☐ No

If no, comment: Required review  
If no, why:  
Target Date: Ongoing investigation

  
Elizabeth A. Guyon  
Senior Coordinator - Training

EAG/vb  
Attachment



## ***Attachments***

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A-1 Temporary Restraining Order issued May 22, 2009

A-2 Timeline

B-1 Harris County Appraisal District record

B-2 TCEQ Closure notification

B-3 Purchase agreement

B-4 Correspondence from Klaus Genssler to Robin Greene

B-5 Texas Secretary of State documents

B-6 Aerial Photo

B-7 City of Pasadena Vince Bayou WWTP Blue Prints

C-1 TCEQ Central Registry document

C-2 City of Pasadena letter (re: authorization to discharge)

C-3 US Oil Recovery LP Notice of Registration

C-4 Correspondence J. Wheeler and Ed St. James

D-1 Process Flow Diagram

E-1 ROTC of spill notification

F-1 Temporary Restraining Order issued May 29, 2009

Photographs on file

A-1

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HARRIS COUNTY, TEXAS  
Plaintiff

and

THE STATE OF TEXAS  
acting by and through the  
Texas Commission on  
Environmental Quality,  
a Necessary and Indispensable  
Party

vs.

U.S. Oil Recovery, L.P.  
Integrated MCC Solutions, LLC and  
Genssler Environmental Holdings, LLC  
Defendants

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

125<sup>th</sup> JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER**

On the 28 day of MAY, 2009, plaintiff, Harris County, Texas, filed its original petition and application for a temporary restraining order.

After reviewing Harris County's petition and attached affidavits, the Court finds that the defendants are likely violating the Texas Water Code. that the Plaintiffs are likely to prevail on the merits The Court further finds that the temporary restraining order should be granted and defendants, U.S. Oil Recovery, L.P., Integrated MCC Solutions, LLC. and Genssler Environmental Holdings, LLC, must immediately begin to do all things necessary to prevent any future discharges of wastewater and any future violations of the Texas Water Code at or about 200 North Richey Drive, Harris County, Texas ("the site").

IT IS THEREFORE ORDERED that Harris County's application for temporary restraining order is granted and defendants, U.S. Oil Recovery, L.P., Integrated MCC Solutions, L.L.P. and Genssler Environmental Holdings, LLC are hereby ORDERED to immediately:

1. Do all things necessary and appropriate to prevent unauthorized wastewater discharges from the site;

2. Immediately notify Harris County Public Health and Environmental Services, at 713-920-2831 if there are any wastewater discharges;
3. Restrain from bringing in any wastewater to the site at 200 North Richey Road until such time that they can store and treat their wastewater according to the required Texas Commission on Environmental Quality authorizations.

IT IS FURTHER ORDERED that plaintiff, pursuant to Tex. Civ. Prac. & Rem. Code. Ann. §6.001 is not required to file a bond in support of this order.

IT IS FURTHER ORDERED that a temporary injunction hearing is set at 9:00 a.m. on the 15<sup>th</sup> day of June, 2009.

*This order expires 14 days from the date it was signed.*

SIGNED this 22<sup>nd</sup> day of May, 2009 at 1:29 p.m.

  
JUDGE PRESIDING

APPROVED AND ENTRY REQUESTED:

VINCE RYAN  
County Attorney



By Laura Fiorentino Cahill  
Senior Assistant County Attorney  
Environmental Division  
State Bar No. 00785742  
1019 Congress Avenue, 15th Floor  
Houston, Texas 77002  
Telephone: (713) 755-7962  
Fax: (713) 755-2680

ATTORNEYS FOR PLAINTIFF  
HARRIS COUNTY, TEXAS

A-2

## MCC Recycling LP Timeline

May 13, 2009

- Strong leakage fix order from Mike Brown delivered

May 15, 2009

- Investigation started by J. Emerson
- Evidence of spill at RT station from surface RT tanks

May 18, 2009

- Re-inspection by J. Emerson

May 20, 2009

- Spill from chiller

May 28, 2009

- Correspondence/discussion with TCEQ and City of Pasadena
- Correspondence/discussion with TCEQ and City of Pasadena

May 27, 2009

- Correspondence/discussion with TCEQ and City of Pasadena

May 26, 2009

- SP Afterspill at RT station
- E. Guyne and T. Terrellman conduct facility inspection
- Contact Mike Brown, D. Moore

May 21, 2009

- H. Gomez and E. Guyne begin investigation
- Initial TRO granted
- Spills to Robin Greene w/CCOP PW
- Contact Mike Brown

May 29, 2009

- Spill from Chiller
- Contact Mike Brown by phone
- Contact Mike Brown by phone
- Estimated 200 gallons

May 30, 2009

- 7:45 AM observed 2 portable tanks on west side of facility
- observed 4-5 box trailers on east side of facility
- Facility enclosed, secure perimeter
- Inspected by J. Emerson, T. Terrellman, E. Guyne

May 31, 2009

- Facility locked, no one present (A. Rushmore)

June 1, 2009

- 7:35 AM gates locked, no one present
- D. Moore informed D. Hall ongoing discharge from USOR stopped at noon
- J. Emerson observed odd # portable tanks on east side

June 2, 2009

- Inspection by E. Guyne and J. Emerson

B-1

Thursday, June 04, 2009



Tax Year: 2009

**HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
0281740000030**

Print E-mail

**Ownership History | Related Accounts**

**Owner and Property Information**

**Owner Name & Mailing Address:**  
**US OIL RECOVERY NO 2 LLP**  
**400 N RICHEY ST**  
**PASADENA TX 77506-1061**

**Legal Description:**  
**TR 12C-1 & ADJ PT MCDONALD**  
**ST**  
**(PROR 1-20-09\*0281740000013)**  
**PASADENA OUTLOT 28**  
**0 PASADENA OUTLOT 28**  
**PASADENA TX 77506**

State Class Code	Land Use Code	Building Class	Total Units
C2 -- Real, Vacant Commercial	4300 -- General Commercial Vacant		0
Land Area	Building Area	Net Rentable Area	Neighborhood
133,947 SF	0	0	6215.03
Map Facet	Key Map®		
5755B	536G		

**Value Status Information**

Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	5/21/2009	No

**Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	ARB Status	2008 Rate	2009 Rate	Online Tax Bill
<b>Total</b>	<b>021</b>	PASADENA ISD	Not Certified	1.350000		
	<b>040</b>	HARRIS COUNTY	Not Certified	0.389230		View
	<b>041</b>	HARRIS CO FLOOD CNTRL	Not Certified	0.030860		
	<b>042</b>	PORT OF HOUSTON AUTHY	Not Certified	0.017730		
	<b>043</b>	HARRIS CO HOSP DIST	Not Certified	0.192160		
	<b>044</b>	HARRIS CO EDUC DEPT	Not Certified	0.005840		
	<b>047</b>	SAN JACINTO COM COL D	Not Certified	0.163411		
	<b>074</b>	CITY OF PASADENA	Not Certified	0.562000		

**Valuations**

2008 Value		2009 Value	
Market	Appraised	Market	Appraised
Land	--	Land	133,947
Improvement	--	Improvement	0
Ag/Tmbr/Spc	--	Ag/Tmbr/Spc	0
Total	--	-- Total	133,947

**5-Year Value History**

Land  
Market Value Land

Appr Appr Adj



Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	O/R Factor	O/R Reason	Total Adj	Unit Price	Unit Price	Value
1	4300 -- General Commercial Vacant	--	SF	133,947	1.00	1.00	1.00	--	1.00	1.00	1.00	133,947

Building

**Vacant (No Building Data)**

Thursday, June 04, 2009



Tax Year: 2009

**HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
0281740000031**

Print E-mail

**Ownership History | Related Accounts**

**Owner and Property Information**

**Owner Name & Mailing Address:** **US OIL RECOVERY NO 2 LLP  
400 N RICHEY ST  
PASADENA TX 77506-1061**

**Legal Description:** **TR 12A-1 & 12D-1  
(PROR 1-20-09\*0281740000013)  
PASADENA OUTLOT 28  
0 PASADENA OUTLOT 28  
PASADENA TX 77506**

State Class Code	Land Use Code	Building Class	Total Units
C2 -- Real, Vacant Commercial	4300 -- General Commercial Vacant		0
Land Area	Building Area	Net Rentable Area	Neighborhood
77,363 SF	0	0	6215.03
Map Facet	Key Map®		
5755B	536G		

**Value Status Information**

Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	5/21/2009	No

**Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	ARB Status	2008 Rate	2009 Rate	Online Tax Bill
<b>Total</b>	<b>021</b>	PASADENA ISD	Not Certified	1.350000		
	<b>040</b>	HARRIS COUNTY	Not Certified	0.389230		View
	<b>041</b>	HARRIS CO FLOOD CNTRL	Not Certified	0.030860		
	<b>042</b>	PORT OF HOUSTON AUTHY	Not Certified	0.017730		
	<b>043</b>	HARRIS CO HOSP DIST	Not Certified	0.192160		
	<b>044</b>	HARRIS CO EDUC DEPT	Not Certified	0.005840		
	<b>047</b>	SAN JACINTO COM COL D	Not Certified	0.163411		
	<b>074</b>	CITY OF PASADENA	Not Certified	0.562000		

**Valuations**

2008 Value			2009 Value		
Market	Appraised		Market	Appraised	
Land	--	Land	77,363		
Improvement	--	Improvement	0		
Ag/Tmbr/Spc	--	Ag/Tmbr/Spc	0		
Total	--	-- Total	77,363	77,363	

**5-Year Value History**

**Land  
Market Value Land**

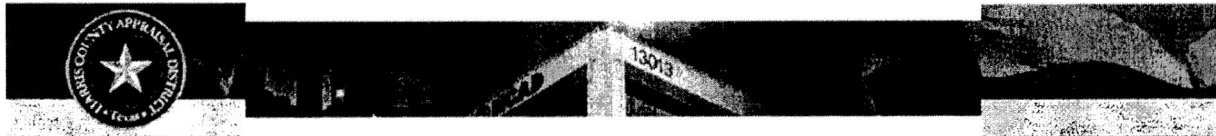
Line	Description	Site Code	Unit Type	Units	Size	Site	Appr O/R	Appr O/R	Total Unit	Adj Unit	Value
------	-------------	-----------	-----------	-------	------	------	----------	----------	------------	----------	-------

					Factor	Factor	Factor	Reason	Adj	Price	Price
1	4300 -- General Commercial	--	SF	77,363	1.00	1.00	1.00	--	1.00	1.00	1.00 77,363
	Vacant										

Building

**Vacant (No Building Data)**

Thursday, June 04, 2009



Tax Year: 2009

**HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
0562380070026**

Print E-mail

**Ownership History**

**Owner and Property Information**

**Owner Name & Mailing Address:**  
**US OIL RECOVERY NO 2 LLP**  
**400 N RICHEY ST**  
**PASADENA TX 77506-1061**

**Legal Description:**  
**TRS 2 3 & 4 BLK 7**  
**(PRORATED 1-20-09)**  
**PITTS**  
**Property Address:**  
**0 N RICHEY**  
**PASADENA TX 77506**

State Class Code		Land Use Code		Building Class	Total Units
F1 -- Real, Commercial		4393 -- Auxiliary Improvement		E	0
Land Area	Building Area	Net Rentable Area	Neighborhood	Map Facet	Key Map®
6,525 SF	0	0	6215.03	5755B	536G

**Value Status Information**

Capped Account	Value Status	Notice Date	Shared CAD
No	Noticed	6/5/2009	No

**Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	ARB Status	2008 Rate	2009 Rate	Online Tax Bill
<b>Total</b>	021	PASADENA ISD	Not Certified	1.350000		
	040	HARRIS COUNTY	Not Certified	0.389230		View
	041	HARRIS CO FLOOD CNTRL	Not Certified	0.030860		
	042	PORT OF HOUSTON AUTHY	Not Certified	0.017730		
	043	HARRIS CO HOSP DIST	Not Certified	0.192160		
	044	HARRIS CO EDUC DEPT	Not Certified	0.005840		
	047	SAN JACINTO COM COL D	Not Certified	0.163411		
	074	CITY OF PASADENA	Not Certified	0.562000		

**Valuations**

2008 Value			2009 Value		
	Market	Appraised		Market	Appraised
Land	0		Land	6,525	
Improvement	0		Improvement	2,776	
Total	0		0 Total	9,301	9,301

**5-Year Value History**

**Land  
Market Value Land**

Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
------	-------------	-----------	-----------	-------	-------------	-------------	-----------------	-----------------	-----------	------------	----------------	-------

1 4393 -- Auxiliary Improvement SF5 SF 6,525 1.00 1.00 1.00 -- 1.00 1.00 1.00 6,525

Building

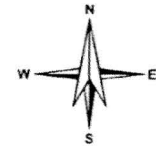
**Vacant (No Building Data)**

5756D10

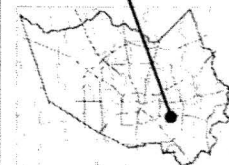
# Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
5/27/2009

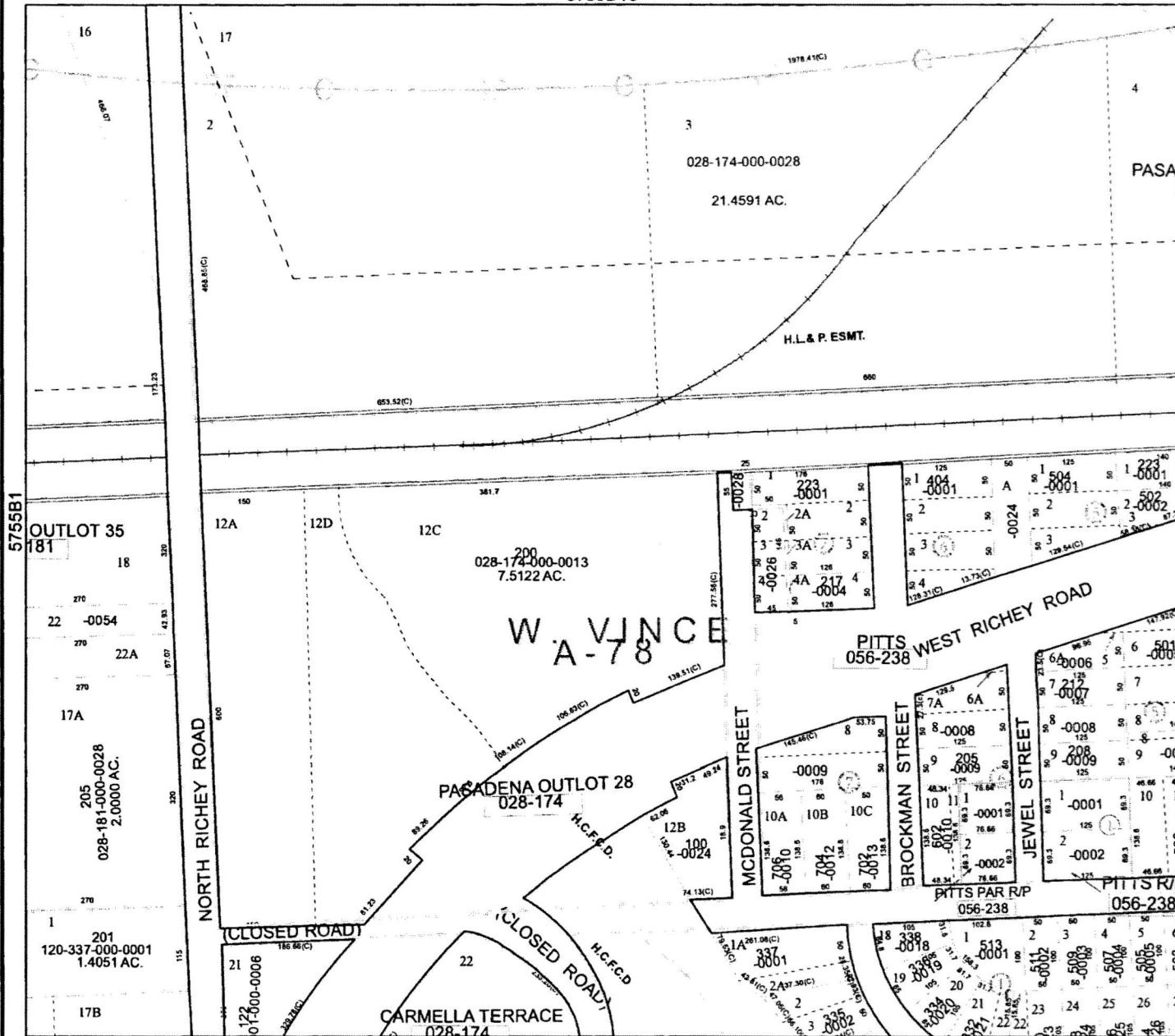


MAP LOCATION



**FACET**  
**5755B**

1	2	3	4
5	6	7	8
9	10	11	12



B-2

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## CANCELLATION OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TPDES PERMIT NO. WQ0010053005

EPA I.D. No. TX0063410

ISSUED TO City of Pasadena

ISSUED March 8, 2004

The holder of TPDES Permit No. WQ0010053005 has consented to the cancellation of the permit. The TPDES permit was issued for the treatment and disposal of waste from the Vince Bayou Wastewater Treatment Facility located on the east and west banks of Vince Bayou, west of McDonald Street and north of West Richey Access Road in Harris County, Texas. The activities authorized by the permit have been diverted to another permitted facility, TPDES Permit No. WQ0010053009, as confirmed by the staff of the Texas Commission on Environmental Quality.

### THEREFORE:

1. Pursuant to the provisions of 30 Texas Administrative Code Section 305.67, TPDES Permit No. WQ0010053005 is revoked.
2. A copy of this revocation shall be sent to the holder of this permit.

A handwritten signature in black ink, appearing to be "D. B. White", is written over a horizontal line.

For The Commission

Effective Date: May 28, 2004



B-3

# AGENDA REQUEST

☒ ORDINANCE

☐ RESOLUTION

2K

NO: 2008-296

## CAPTION:

Request to approve the sale of two tracts of land located at the Old Vince Bayou Wastewater Treatment Plant Facility to U.S. Oil Recovery #2 LLP; 400 North Richey St.; Pasadena, TX 77506, for the sum of two hundred thousand dollars (\$200,000.00) for tract one, and three hundred forty-five thousand dollars (\$345,000.00) for tract two; and provide for a revised Wastewater Treatment Agreement with US Oil Recovery.

## RECOMMENDATIONS & JUSTIFICATION:

Staff solicited offers to purchase one or both of the two tracts of land located at the Old Vince Bayou Wastewater Treatment Plant Facility in April of 2008. The highest offer was submitted by U.S. Oil Recovery.

In addition to the sale of the two tracts of land, this ordinance shall serve to replace the contract between the City of Pasadena and USOR designated by Ordinance 2005-156 and Ordinance 2008-23, which served as a 9 month notice of termination. This contract will allow for continuation of services with USOR under terms defined in this new contract.

(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

COST:

TASK NO:

BUDGETED: YES ☐ NO ☐

ACCOUNT NUMBER(S):

REQUESTING DEPARTMENT: Public Works/Purch.

<u>Robin Green</u> REQUESTING PARTY (TYPED)		DATE: 11/12/2008		COUNCIL ACTION	
<u>Karen Forbes</u> PURCHASING DEPARTMENT		<u>Riggs</u> MOTION		<u>Brannen</u> MOTION	
APPROVED:					
CONTROLLER CERTIFICATION		<u>Brannen</u> SECOND		<u>Coyten</u> SECOND	
<u>LEE CLARK</u> CITY ATTORNEY		<u>11-18-08</u> DATE		<u>11-25-08</u> DATE	
<u>[Signature]</u> MAYOR		DEFERRED: _____			

ORDINANCE NO. 2008-

296

An Ordinance accepting the highest bid and authorizing the City of Pasadena to sell real estate property located at the Old Vince Bayou Wastewater Treatment Plant facility to U. S. Oil Recovery #2 LLP, 400 North Richey Street, Pasadena, Texas 77506, said property consisting of 1.776 acres out of the former Vince Bayou Wastewater Treatment Plant, Northeast corner of North Richey Street and proposed Pitts Street for the amount of Two Hundred Thousand and No/100 (\$200,000) Dollars; and 3.075 acres out of the former Vince Bayou Wastewater Treatment Plant, North side of West Richey Access Road, East side of Vince Bayou for the amount of Three Hundred Forty-Five Thousand and No/100 (\$345,000) Dollars, for a total amount of Five Hundred Forty-Five Thousand and No/100 (\$545,000) Dollars; and authorizing the replacement of the Contract between the City of Pasadena and U.S. Oil Recovery designated by Ordinance 2005-156 and Ordinance 2008-23.

WHEREAS, the City offered for sale to the general public City land and improvements described as (Tract 1) 1.776 acres out of the former Vince Bayou Wastewater Treatment Plant, Northeast corner of North Richey Street and proposed Pitts Street; and (Tract 2) 3.075 acres out of the former Vince Bayou Wastewater Treatment Plant, North side of West Richey Access Road, East side of Vince Bayou; and

WHEREAS, the City of Pasadena determines the necessity for the sale of and has advertised for bids and U. S. Oil Recovery #2 LLP has submitted the highest bid for the land and improvements; and

WHEREAS, such bid exceeds the appraised value for such land and improvements; and

WHEREAS, the City and U.S. Oil Recovery desire to replace

the contract designated by Ordinance 2005-156 and Ordinance 2008-23; and

WHEREAS, the offeror has agreed to extend the offer of purchase through April 28, 2009 as evidenced by attachment hereto and the City hereby agrees to same; and

WHEREAS, the construction of the former Vince Bayou Plant was partially funded under Grant C-48179 by the United States Environmental Protection Agency ("EPA"); and

WHEREAS, the City selects to use the net proceeds of sale in the City's capital improvements program for its own wastewater treatment system including rehabilitating the City's sewers and wastewater pumping stations as authorized by the EPA upon such sale; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

SECTION 1. That the City Council hereby adopts the preamble to this Ordinance.

SECTION 2. That the City accepts the highest bid in the total amount of Five Hundred Forty-Five Thousand and No/100 (\$545,000) Dollars from U. S. Oil Recovery #2 LLP for the purchase of land and improvements on two tracts of real property described as Tract 1 consisting of 1.776 acres out of the former Vince Bayou Wastewater Treatment Plant, Northeast corner of North Richey Street and proposed Pitts Street; and Tract 2 consisting of 3.075 acres out of the former Vince Bayou Wastewater Treatment Plant, North side of

West Richey Access Road, East side of Vince Bayou, and authorizes the sale to U. S. Oil Recovery #2 LLP of Tract 1 for Two Hundred Thousand and No/100 (\$200,000) Dollars and Tract 2 for Three Hundred Forty-Five Thousand and No/100 (\$345,000) Dollars for a total price of Five Hundred Forty-Five Thousand and No/100 (\$545,000) Dollars.


SECTION 3. That the Contract approved by Ordinance 2005-156 and Ordinance 2008-23 shall be replaced by the Wastewater Treatment Agreement attached hereto as Exhibit "B" and hereby authorized and approved.

SECTION 4. That the Mayor or his authorized designee is hereby authorized to execute for and on behalf of the City all documents as appropriate for the conveyance of such real property as described in the attached exhibit "A".

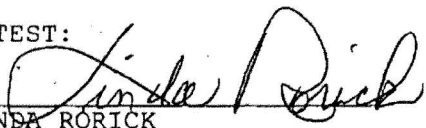
SECTION 5. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

PASSED ON FIRST READING by the City Council of the City of  
Pasadena, Texas in regular meeting in the City Hall this the  
18<sup>th</sup> day of November, A.D., 2008.

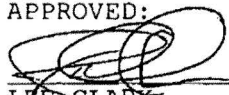
APPROVED this the 18<sup>th</sup> day of November, A.D., 2008.

  
JOHNNY ISBELL, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:


  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:

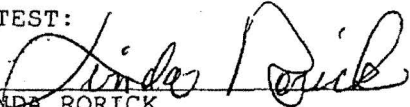
  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the  
City of Pasadena, Texas in regular meeting in the City Hall  
this the 25<sup>th</sup> day of November, A. D., 2008.


APPROVED this the 25<sup>th</sup> day of November, A.D., 2008.

  
JOHNNY ISBELL, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:

  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:

  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS




**CITY OF PASADENA**

**OFFER TO PURCHASE REAL PROPERTY**  
**Sealed Offer**  
**Number 08-009**

The undersigned Offeror agrees to purchase the Property in compliance with the terms, conditions, and procedures set forth in Request for Offers 08-009, and certifies that the offer listed below will be extended through April 28, 2009.

Amount of Offer: Tract 1: \$200,000.00

Tract 2: \$345,000.00

  
Signature of Certifying Corporate Offeror

11/24/08  
Date

Klaus Gensler, President  
Printed Name of Certifying Corporate Offeror

City of Pasadena



Purchasing Department  
1211 Southmore, Suite 201  
Pasadena, Texas 77502  
713-475-5532  
FAX: 713-472-0144

<b>SUBMIT TO:</b> CITY OF PASADENA CITY SECRETARY'S OFFICE 1211 SOUTHMORE, SUITE 115 PASADENA, TX 77502		<b>Request For Offer (RFO)</b>	
<b>MAILING DATE</b> April 4, 2008	<b>TITLE</b> Sale of Two Tracts of Land at Former Vince Bayou Wastewater Treatment Plant	<b>NUMBER</b> 08-009	<b>CLOSING DATE &amp; TIME</b> Monday, April 28, 2008 4:00pm
<b>PRE-OFFER DATE, TIME AND LOCATION</b> N/A			
<b>NAME OF PARTNERSHIP, CORPORATION OR INDIVIDUAL</b> US Oil Recovery #2 LLP		<b>TAXPAYER IDENTIFICATION NUMBER</b> 34199305	
<b>MAILING ADDRESS</b> 400 North Richey Street Pasadena, Tx 77506		<b>NO OFFER:</b> If not submitting an Offer, state reason below and return one copy of this form	
<b>PH:</b> 713-473 0013		<b>EMAIL:</b> Klaus.g@usoilrecovery.com	
<b>FX:</b> 713-472 5668		<b>WEB ADDRESS:</b> www.usoilrecovery.com	
<b>TOTAL OFFER AMOUNT</b> \$ TRACT #1 200,000 TRACT #2 345,000			
<b>Offers are firm for Acceptance for 90 days</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/>			
I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting an Offer for the same property, and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of this offer and certify that I am authorized to sign this offer for the Offeror.			
<b>AUTHORIZED SIGNATURE</b> [Signature]		<b>DATE</b> 4/28/08	<b>PRINTED NAME/TITLE</b> Klaus Gensler, President
Please initial by all that apply. I acknowledge receipt of the following addendum: Addendum #1 _____ Addendum #2 _____ Addendum #3 _____ Addendum #4 _____			

Please note the following:

- This page **must be completed and returned with your offer**
- Offers must be submitted in a sealed envelope, marked with offer number & closing date.
- Offers received after the above closing date and time will not be accepted.



**Attachment A  
CITY OF PASADENA**

**OFFER TO PURCHASE REAL PROPERTY  
Sealed Offer Number 08-009**

The undersigned Offeror agrees, if the City awards the purchase to the undersigned Offeror within one hundred twenty (120) calendar days after the date the offers are opened by the City, to purchase the Property in compliance with the terms, conditions and procedures set forth in this Request for Offer.

Amount of Offer: Purchase Price Tract 1: \$ 200,000

Purchase Price Tract 2: \$ 345,000

*(Transfer offer amount(s) to front page of RFO)*

The instrument of conveyance should name the following Grantee(s):

Offeror is:    ☐ Individual    ☒ Partnership    ☐ Trustee    ☐ Corporation

Name: US Oil Recovery #2 LLP

Street: 400 North Richey Street

City: Pasadena, Tx 77506

Telephone: 713-473-0013

Signature: *[Signature]*

Signer's Name & Title: Klaus Gensler, President

**CERTIFICATE OF CORPORATE OFFEROR**

To be completed by Corporate Official other than the person signing offer above.

I, certify that I am Secretary (OFFICIAL TITLE) of the Corporation named as Offeror herein; that Klaus Gensler who signed this offer on behalf of the Offeror, was then President of the said Corporation: that said offer was duly signed for and on behalf of said Corporation by authority of its governing body is within the scope of its corporate Powers.

(SEAL)

*[Signature]*      4/28/08  
Signature of Certifying Corporate Offeror      Date



400 N. Richey Street  
Pasadena, Texas 77506  
Tel. 713.473.0013  
Fax. 713.472.5868

City of Pasadena  
Purchasing Department  
1211 Southmore, Suite 201  
Pasadena, Texas 77502

**RE: Request for Offer 08-009 – Evidence of Funds**

April 28, 2008

To Whom It May Concern:

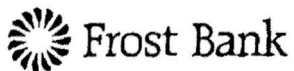
Our offer is being made in the name of US Oil Recovery #2 LLP, which is an affiliate of US Oil Recovery LP. Please find attached a commitment letter from Frost Bank to support our offer for the above referenced Request for Offer.

If you require further information regarding the Evidence of Funds for our offer, please do not hesitate to contact Mark Wilson at Frost Bank – Clear Lake City office (Tel 713 388 1021).

Regards

US Oil Recovery LP  
US Oil Recovery #2 LLP

By:   
Klaus Gensler, President



Post Office Box 1315  
Houston, Texas 77251-1315  
713-388-7600

January 22, 2008

U.S. Oil Recovery #2, L.L.P.  
400 N. Richey Street  
Pasadena, Texas 77506  
Attn: Mr. Klaus Genssler

Dear Klaus:

Reference is made to US Oil Recovery #2 LLP bid for purchase of Tract 1 and Tract 2 of the Old Vince Bayou plant (the "Bid").

The Frost National Bank herewith confirms to have issued to US Oil Recovery #2 LLP a loan commitment letter dated January 17, 2008 in the amount of \$560,000 in connection with the Bid. This commitment is subject to standard terms and conditions for a real estate transaction.

Sincerely,

Mark K. Wilson  
Sr. Vice President

## DEED WITHOUT WARRANTY

**Date:** \_\_\_\_\_, 2008

**Grantor:** City of Pasadena, Texas a Home Rule Municipal Corporation

**Grantor's Mailing Address (including county):** P O Box 672  
Pasadena, Texas 77501

**Grantee:** U.S. Oil Recovery #2 LLP

**Consideration:** Ten and No/100 (\$10.00) and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged.

**Property:** A 1.776 acre out of the former Vince Bayou Wastewater Treatment Plant, Northeast corner of North Richey Street and proposed Pitts Street and West of Vince Bayou and more fully described at Exhibit "1" attached hereto.

1. The conveyance is made by Grantor and accepted by Grantee subject to all valid and subsisting conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements whether of record or not, and all laws, regulations, and restrictions, including building and zoning ordinances, of municipal or other governmental authorities applicable to and enforceable against the above-described Property.
2. Grantor reserves and excepts for itself, its successors and assigns, and its predecessors in title in accordance with their respective interest of record, all oil, gas and other minerals on, in and under the above-described Property.
3. The Property is conveyed in its "as is" condition existing on the date of this conveyance.
4. Grantor makes no warranty or guarantee as to, or concerning, the suitability of the Property for any particular application or use or the current environmental condition of the Property, nor does it make any warranty. By accepting and filing this Deed, Grantee acknowledges that it has investigated the Property and accepts the Property in its current condition, including, specifically, its current environmental condition.
5. Grantee acknowledges that the Property described herein may have been used in connection with municipal sewage treatment operations, including the storage, transfer and disposal of raw municipal sewage and that such sewage products, or derivatives may have been spilled, leaked, or otherwise discharged onto or into the Property. Equipment and sites may contain asbestos, hazardous substances, or Naturally Occurring Radioactive Material ("NORM"); and NORM-containing material and other wastes or hazardous substances may be buried, have come into contact with the soil, or otherwise have been disposed of on the Property. Grantee

\_\_\_\_\_  
INITIAL

understands that special procedures may be required for the remediation, removal, transportation, or disposal of wastes, asbestos, hazardous substances, and NORM from the equipment and Property. Grantee assumes all liability when such activities are performed by or on behalf of Grantee.

6. In consideration of the purchase price and for other valuable consideration, Grantee releases and forever discharges Grantor and its employees, agents, servants, representatives, successors, and assigns from, and covenants not to sue Grantor or its employers, agents, servants, representatives, successors, or assigns regarding, all liabilities, claims, demands, or causes of action at law or in equity for injury (including death), destruction, loss or damage of any kind or character, arising from any condition of the Property, including environmental conditions, or relating to Grantee's acquisition, ownership, or use of the Property, regardless of whether the liability, claim, demand, or cause of action was known or unknown, foreseeable or unforeseeable, on the effective date of this Deed. Grantee's release, discharge, and covenant not to sue includes liabilities, claims, demands, or causes of action resulting in any way and in whole or in part from the negligence or strict liability of Grantor or its employees, agents, servants, representatives, successors, or assigns.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the Property without express or implied warranty, and all warranties that might arise by common law or by statute are excluded.

When the context requires, singular nouns and pronouns include the plural.

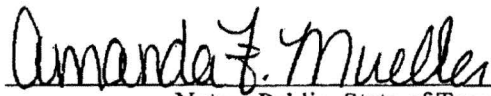
IN WITNESS WHEREOF, Grantor has executed this deed this 1<sup>st</sup> day of December 2008, but EFFECTIVE as of the 1<sup>st</sup> day of December, 2008.

CITY OF PASADENA, TEXAS

By:   
Johnny Isbell  
Mayor of the City of Pasadena, Texas

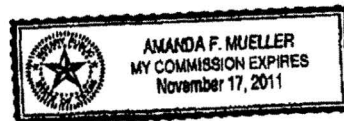
THE STATE OF TEXAS  
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on the 1<sup>st</sup> day of December, 2008 by Johnny Isbell, Mayor of the City of Pasadena, Texas a Home Rule Municipal Corporation, on behalf of said municipal corporation.

  
Notary Public, State of Texas  
Notary's name (printed):


Amanda F. Mueller

Notary's commission expires: November 17, 2011



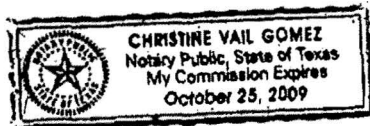
IN WITNESS WHEREOF, Grantee has executed this deed this 1<sup>st</sup> day  
of December, 2008, but EFFECTIVE as of the 1<sup>st</sup> day of December,  
2008.

U.S. OIL RECOVERY #2 LLP

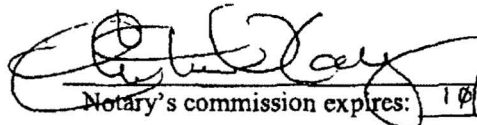
By:  Pres  
Duly Authorized Representative

THE STATE OF TEXAS  
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on the 1<sup>st</sup> day of  
December, 2008 by Klaus Gensler, Duly  
Authorized Representative, U.S. Oil Recovery #2 LLP of the State of Texas, on behalf of  
said Political Subdivision.



Christine V. Gomez  
Notary Public, State of Texas  
Notary's name (printed):

  
Notary's commission expires: 10/25/09

Remainder Vince Bayou West  
March 28, 2008

REMAINDER VINCE BAYOU WEST  
EXHIBIT 1

Being 1.776 acres of land out of Lot 12, Outlot 28 Pasadena Townsite as recorded in volume 93, page 21 Harris County deed Records (H.C.D.R.), located in the William Vince Survey, Abstract 78, Pasadena, Harris County, Texas and being more particularly described as follows:

**COMMENCING** at a found five eighths inch iron rod with cap stamped "Weiser" marking the intersection of the east line of North Richey Street (40 feet wide) and the south line of Port Terminal Rail Road (100 feet wide) (Basis of bearings shown hereon are based on the Texas State Plane Coordinate System, South Central zone 4204, NAD 83. All coordinates hereon were calculated using horizontal surface distances);

**THENCE**, South 02 degrees 30 minutes 06 seconds East, along the east line of said North Richey Street, for a distance of 349.45 feet to a set five eighths inch iron rod with cap stamped "CCI" for the **POINT OF BEGINNING**;

1. **THENCE**, North 42 degrees 29 minutes 44 seconds East, over and across said Lot 12, Outlot 28, for a distance of 78.24 feet to a set five eighths inch iron rod with cap stamped "CCI";
2. **THENCE**, North 87 degrees 28 minutes 42 seconds East, continuing over and across said Lot 12, Outlot 28, a distance of 145.76 feet to a found five eighths inch iron rod with cap stamped "WEISER" in the west line of a Harris County Flood Control parcel (variable width) Vince Bayou I 100-00-00;
3. **THENCE**, South 32 degrees 02 minutes 06 seconds East, along the said west line of said Vince Bayou, a distance of 59.39 feet to a found five eighths inch iron rod;
4. **THENCE**, South 47 degrees 04 minutes 20 seconds East, continuing along the said west line of said Vince Bayou, a distance of 99.54 feet to a found five eighths inch iron rod;
5. **THENCE**, South 41 degrees 58 minutes 27 seconds East, continuing along the said west line of said Vince Bayou a distance of 53.22 feet to a found five eighths inch iron rod in the north line of West (Richey) Tunnel Access Road (variable width);
6. **THENCE**, South 47 degrees 40 minutes 28 seconds West, along the said north line of West (Richey) Tunnel Access Road, a distance of 68.47 feet to a found "X" in concrete;
7. **THENCE**, South 47 degrees 20 minutes 37 seconds East, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 19.83 feet to a set five eighths inch iron rod with cap stamped "CCI";
8. **THENCE**, South 42 degrees 37 minutes 18 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 17.65 feet to a found five eighths inch iron rod;



Remainder Vince Bayou West  
March 28, 2008

9. **THENCE**, South 40 degrees 59 minutes 53 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 79.46 feet to a found TxDot monument in the north line of Pitts Street (50 feet wide);
10. **THENCE**, South 87 degrees 27 minutes 02 seconds West, along said north line of said Pitts Street, a distance of 228.18 feet to a set five eighths inch iron rod with cap stamped "CCI" in the east line of said North Richey Street;
11. **THENCE**, North 02 degrees 30 minutes 06 seconds West, along said east line of North Richey Street, a distance of 236.48 feet to the **POINT OF BEGINNING**;

## DEED WITHOUT WARRANTY

**Date:** \_\_\_\_\_, 2008

**Grantor:** City of Pasadena, Texas a Home Rule Municipal Corporation

**Grantor's Mailing Address (including county):** P O Box 672  
Pasadena, Texas 77501

**Grantee:** U.S. Oil Recovery #2 LLP

**Consideration:** Ten and No/100 (\$10.00) and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged.

**Property:** A 3.075 acres out of the former Vince Bayou Wastewater Treatment Plant North side of West Richey Access Road, East side of Vince Bayou and more fully described at Exhibit "1" attached hereto.

1. The conveyance is made by Grantor and accepted by Grantee subject to all valid and subsisting conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements whether of record or not, and all laws, regulations, and restrictions, including building and zoning ordinances, of municipal or other governmental authorities applicable to and enforceable against the above-described Property.
2. Grantor reserves and excepts for itself, its successors and assigns, and its predecessors in title in accordance with their respective interest of record, all oil, gas and other minerals on, in and under the above-described Property.
3. The Property is conveyed in its "as is" condition existing on the date of this conveyance.
4. Grantor makes no warranty or guarantee as to, or concerning, the suitability of the Property for any particular application or use or the current environmental condition of the Property, nor does it make any warranty. By accepting and filing this Deed, Grantee acknowledges that it has investigated the Property and accepts the Property in its current condition, including, specifically, its current environmental condition.
5. Grantee acknowledges that the Property described herein may have been used in connection with municipal sewage treatment operations, including the storage, transfer and disposal of raw municipal sewage and that such sewage products, or derivatives may have been spilled, leaked, or otherwise discharged onto or into the Property. Equipment and sites may contain asbestos, hazardous substances, or Naturally Occurring Radioactive Material ("NORM"); and NORM-containing material and other wastes or hazardous substances may be buried, have come into contact with the soil, or otherwise have been disposed of on the Property. Grantee

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INITIAL

understands that special procedures may be required for the remediation, removal, transportation, or disposal of wastes, asbestos, hazardous substances, and NORM from the equipment and Property. Grantee assumes all liability when such activities are performed by or on behalf of Grantee.


6. In consideration of the purchase price and for other valuable consideration, Grantee releases and forever discharges Grantor and its employees, agents, servants, representatives, successors, and assigns from, and covenants not to sue Grantor or its employers, agents, servants, representatives, successors, or assigns regarding, all liabilities, claims, demands, or causes of action at law or in equity for injury (including death), destruction, loss or damage of any kind or character, arising from any condition of the Property, including environmental conditions, or relating to Grantee's acquisition, ownership, or use of the Property, regardless of whether the liability, claim, demand, or cause of action was known or unknown, foreseeable or unforeseeable, on the effective date of this Deed. Grantee's release, discharge, and covenant not to sue includes liabilities, claims, demands, or causes of action resulting in any way and in whole or in part from the negligence or strict liability of Grantor or its employees, agents, servants, representatives, successors, or assigns.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the Property without express or implied warranty, and all warranties that might arise by common law or by statute are excluded.

When the context requires, singular nouns and pronouns include the plural.

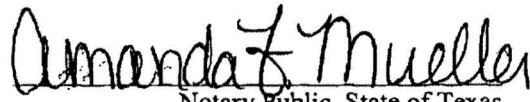
IN WITNESS WHEREOF, Grantor has executed this deed this 1st day of December, 2008, but EFFECTIVE as of the 1st day of December, 2008.

CITY OF PASADENA, TEXAS

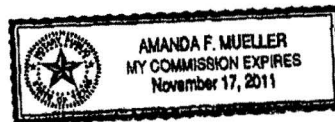
By:   
Johnny Isbell  
Mayor of the City of Pasadena, Texas

THE STATE OF TEXAS  
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on the 1st day of December, 2008 by Johnny Isbell, Mayor of the City of Pasadena, Texas a Home Rule Municipal Corporation, on behalf of said municipal corporation.

  
Notary Public, State of Texas  
Notary's name (printed):  
Amanda F. Mueller

Notary's commission expires: November 17, 2011



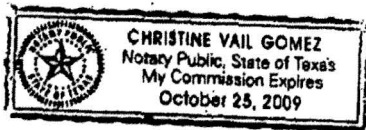
IN WITNESS WHEREOF, Grantee has executed this deed this 1<sup>st</sup> day  
of December, 2008, but EFFECTIVE as of the 1<sup>st</sup> day of December,  
2008.

U.S. OIL RECOVERY #2 LLP

By: [Signature]  
Duly Authorized Representative

THE STATE OF TEXAS  
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on the 1<sup>st</sup> day of  
December, 2008 by Klaus Gewssler, Duly  
Authorized Representative, U.S. Oil Recovery #2 LLP of the State of Texas, on behalf of  
said Political Subdivision.



Christine V. Gomez  
Notary Public, State of Texas  
Notary's name (printed):

[Signature]  
Notary's commission expires: 10/25/09

Vince Bayou East  
March 5, 2008  
Rev: March 11, 2008

VINCE BAYOU EAST  
EXHIBIT 1

Being 3.075 acres out of Lot 12, Outlot 28, and part of Lots 1 and 2 Block 44, Outlot 28, Pasadena Townsite as recorded in volume 93, page 21 Harris County deed Records (H.C.D.R.), and portions of Lots 2 thru 4 and a portion of Lot 6, Block 7 out of the Pitts Addition as recorded in volume 998, page 203 H.C.D.R. and a portion of McDonald Street, located in the William Vince Survey, Abstract 78, Pasadena, Harris County, Texas and being more particularly described as follows:

**COMMENCING**, a found five eighths inch iron rod with cap stamped "Weiser" marking the intersection of the east line of North Richey Street (40 feet wide) and the south line of Port Terminal Rail Road (100 feet wide) (Basis of bearings shown hereon are based on the Texas State Plane Coordinate System, South Central zone 4204, NAD 83. All coordinates hereon were calculated using horizontal surface distances);

**THENCE**, North 87 degrees 27 minutes 02 seconds East, along the said south line of Port Terminal Rail Road, a distance of 287.00 feet a set five eighths inch iron rod with cap stamped "CCI" in the east line of a Harris County Flood Control parcel (variable width) Vince Bayou I 100-00-00 marking the **POINT OF BEGINNING**;

1. **THENCE**, North 87 degrees 27 minutes 02 seconds East, continuing along the said south Port Terminal Rail Road, for a distance of 467.41 feet to a found five eighths inch iron rod with cap stamped "RWP", being the center of McDonald Street (50 feet wide) and the northwest corner of a called 0.0539 acre parcel quit claimed by the City of Pasadena in an instrument recorded at Harris County Clerks File Number N760781;
2. **THENCE**, South 02 degrees 32 minutes 58 seconds East, along the center line of McDonald Street and the west line of said 0.0539 acre quit claimed parcel, a distance of 55.11 feet to a found five eighths inch iron rod with cap stamped "RWP";
3. **THENCE**, North 87 degrees 29 minutes 06 seconds East, along the interior line of said 0.0539 acres quit claimed parcel, distance of 70.05 feet to found five eighths inch iron rod with cap stamped "RWP" in the west line of said 0.0539 quit claimed parcel;
4. **THENCE**, South 02 degrees 32 minutes 03 seconds East, along the west line of said 0.0539 acre quit claimed parcel, a distance of 146.07 feet to the north line of Lot 5, Block 7 Pitts Addition as conveyed to Harris County by an instrument recorded volume 2232, page 77 H.C.D.R.;
5. **THENCE**, South 87 degrees 29 minutes 47 seconds West, along the north line of said Harris County Parcel, a distance of 44.99 feet to a set "X" in the east line of said McDonald Street;

Vince Bayou East  
March 5, 2008  
Rev: March 11, 2008

6. **THENCE**, South 02 degrees 32 minutes 58 seconds East, along the said east line of McDonald Street, a distance of 50.00 feet to a set five eighths inch iron rod with cap stamped "CCI", marking the southwest corner of Lot 5 and the north west corner of Lot 6;
7. **THENCE**, North 87 degrees 29 minutes 47 seconds East, along the north line of said Lot 6, a distance of 32.92 feet to a set "X" in concrete north line of West (Richey) Tunnel Access Road (variable width);
8. **THENCE**, South 72 degrees 19 minutes 08 seconds West, along the north line of West (Richey) Tunnel Access Road, for a distance of 33.99 feet to a set five eighths inch iron rod with cap stamped "CCI";
9. **THENCE**, South 68 degrees 54 minutes 39 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 53.50 feet to a set five eighths inch iron rod with cap stamped "CCI";
10. **THENCE**, South 68 degrees 26 minutes 11 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 96.46 feet to a set "X" in concrete;
11. **THENCE**, South 66 degrees 43 minutes 13 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 34.80 feet to a found five eighths inch iron rod;
12. **THENCE**, North 24 degrees 08 minutes 16 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 20.00 feet to a found five eighths inch iron rod;
13. **THENCE**, South 63 degrees 10 minutes 24 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 71.58 feet to a found five eighths inch iron rod;
14. **THENCE**, South 59 degrees 39 minutes 17 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 33.89 feet to a set five eighths inch iron rod with cap stamped "CCI" in the east line of said Vince Bayou;
15. **THENCE**, North 36 degrees 46 minutes 30 seconds West, along the said east line of said Vince Bayou, a distance of 39.69 feet to a found five eighths inch iron rod;
16. **THENCE**, North 47 degrees 13 minutes 26 seconds West, continuing along the said east line of said Vince Bayou, a distance of 76.30 feet to a found five eighths inch iron rod;
17. **THENCE**, North 43 degrees 12 minutes 48 seconds West, continuing along the said east line of said Vince Bayou, a distance of 49.94 feet to a found five eighths inch iron rod;

Vince Bayou East  
March 5, 2008  
Rev: March 11, 2008

18. **THENCE**, North 35 degrees 52 minutes 32 seconds West, continuing along the said east line of said Vince Bayou, a distance of 50.02 feet to a found five eighths inch iron rod;
19. **THENCE**, North 33 degrees 46 minutes 08 seconds West, continuing along the said east line of said Vince Bayou, a distance of 92.61 feet to a found five eighths inch iron rod;
20. **THENCE**, North 23 degrees 39 minutes 07 seconds West, continuing along the said east line of said Vince Bayou, a distance of 81.71 feet to a set five eighths inch iron rod with cap stamped "CCI";
21. **THENCE**, North 07 degrees 01 minutes 13 seconds West, continuing along the said east line of said Vince Bayou, a distance of 25.39 feet to the **POINT OF BEGINNING**;



## DEED WITHOUT WARRANTY

**Date:** \_\_\_\_\_, 2008

**Grantor:** City of Pasadena, Texas a Home Rule Municipal Corporation

**Grantor's Mailing Address (including county):** P O Box 672  
Pasadena, Texas 77501

**Grantee:** U.S. Oil Recovery #2 LLP

**Consideration:** Ten and No/100 (\$10.00) and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged.

**Property:** A 3.075 acres out of the former Vince Bayou Wastewater Treatment Plant North side of West Richey Access Road, East side of Vince Bayou and more fully described at Exhibit "1" attached hereto.

1. The conveyance is made by Grantor and accepted by Grantee subject to all valid and subsisting conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements whether of record or not, and all laws, regulations, and restrictions, including building and zoning ordinances, of municipal or other governmental authorities applicable to and enforceable against the above-described Property.
2. Grantor reserves and excepts for itself, its successors and assigns, and its predecessors in title in accordance with their respective interest of record, all oil, gas and other minerals on, in and under the above-described Property.
3. The Property is conveyed in its "as is" condition existing on the date of this conveyance.
4. Grantor makes no warranty or guarantee as to, or concerning, the suitability of the Property for any particular application or use or the current environmental condition of the Property, nor does it make any warranty. By accepting and filing this Deed, Grantee acknowledges that it has investigated the Property and accepts the Property in its current condition, including, specifically, its current environmental condition.
5. Grantee acknowledges that the Property described herein may have been used in connection with municipal sewage treatment operations, including the storage, transfer and disposal of raw municipal sewage and that such sewage products, or derivatives may have been spilled, leaked, or otherwise discharged onto or into the Property. Equipment and sites may contain asbestos, hazardous substances, or Naturally Occurring Radioactive Material ("NORM"); and NORM-containing material and other wastes or hazardous substances may be buried, have come into contact with the soil, or otherwise have been disposed of on the Property. Grantee

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understands that special procedures may be required for the remediation, removal, transportation, or disposal of wastes, asbestos, hazardous substances, and NORM from the equipment and Property. Grantee assumes all liability when such activities are performed by or on behalf of Grantee.

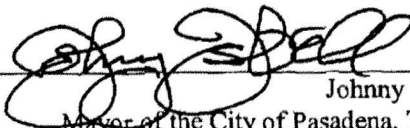
6. In consideration of the purchase price and for other valuable consideration, Grantee releases and forever discharges Grantor and its employees, agents, servants, representatives, successors, and assigns from, and covenants not to sue Grantor or its employers, agents, servants, representatives, successors, or assigns regarding, all liabilities, claims, demands, or causes of action at law or in equity for injury (including death), destruction, loss or damage of any kind or character, arising from any condition of the Property, including environmental conditions, or relating to Grantee's acquisition, ownership, or use of the Property, regardless of whether the liability, claim, demand, or cause of action was known or unknown, foreseeable or unforeseeable, on the effective date of this Deed. Grantee's release, discharge, and covenant not to sue includes liabilities, claims, demands, or causes of action resulting in any way and in whole or in part from the negligence or strict liability of Grantor or its employees, agents, servants, representatives, successors, or assigns.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the Property without express or implied warranty, and all warranties that might arise by common law or by statute are excluded.

When the context requires, singular nouns and pronouns include the plural.

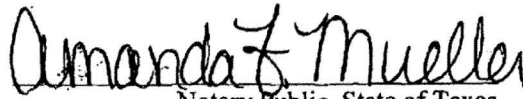
IN WITNESS WHEREOF, Grantor has executed this deed this 1st day of December, 2008, but EFFECTIVE as of the 1st day of December, 2008.

CITY OF PASADENA, TEXAS

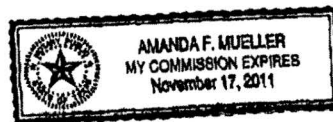
By:   
Johnny Isbell  
Mayor of the City of Pasadena, Texas

THE STATE OF TEXAS  
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on the 1st day of December, 2008 by Johnny Isbell, Mayor of the City of Pasadena, Texas a Home Rule Municipal Corporation, on behalf of said municipal corporation.

  
Notary Public, State of Texas  
Notary's name (printed):  
Amanda F. Mueller

Notary's commission expires: November 17, 2011



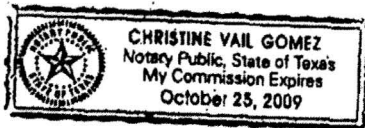
IN WITNESS WHEREOF, Grantee has executed this deed this 1<sup>st</sup> day  
of December, 2008, but EFFECTIVE as of the 1<sup>st</sup> day of December,  
2008.

U.S. OIL RECOVERY #2 LLP

By: [Signature]  
Duly Authorized Representative

THE STATE OF TEXAS  
COUTY OF HARRIS

The foregoing instrument was acknowledged before me on the 1<sup>st</sup> day of  
December, 2008 by Klaus Gensler, Duly  
Authorized Representative, U.S. Oil Recovery #2 LLP of the State of Texas, on behalf of  
said Political Subdivision.



Christine V. Gomez  
Notary Public, State of Texas  
Notary's name (printed):

[Signature]  
Notary's commission expires: 10/25/08

INITIAL

VINCE BAYOU EAST  
EXHIBIT 1

Being 3.075 acres out of Lot 12, Outlot 28, and part of Lots 1 and 2 Block 44, Outlot 28, Pasadena Townsite as recorded in volume 93, page 21 Harris County deed Records (H.C.D.R.), and portions of Lots 2 thru 4 and a portion of Lot 6, Block 7 out of the Pitts Addition as recorded in volume 998, page 203 H.C.D.R. and a portion of McDonald Street, located in the William Vince Survey, Abstract 78, Pasadena, Harris County, Texas and being more particularly described as follows:

**COMMENCING**, a found five eighths inch iron rod with cap stamped "Weiser" marking the intersection of the east line of North Richey Street (40 feet wide) and the south line of Port Terminal Rail Road (100 feet wide) (Basis of bearings shown hereon are based on the Texas State Plane Coordinate System, South Central zone 4204, NAD 83. All coordinates hereon were calculated using horizontal surface distances);

**THENCE**, North 87 degrees 27 minutes 02 seconds East, along the said south line of Port Terminal Rail Road, a distance of 287.00 feet a set five eighths inch iron rod with cap stamped "CCI" in the east line of a Harris County Flood Control parcel (variable width) Vince Bayou I 100-00-00 marking the **POINT OF BEGINNING**;

1. **THENCE**, North 87 degrees 27 minutes 02 seconds East, continuing along the said south Port Terminal Rail Road, for a distance of 467.41 feet to a found five eighths inch iron rod with cap stamped "RWP", being the center of McDonald Street (50 feet wide) and the northwest corner of a called 0.0539 acre parcel quit claimed by the City of Pasadena in an instrument recorded at Harris County Clerks File Number N760781;
2. **THENCE**, South 02 degrees 32 minutes 58 seconds East, along the center line of McDonald Street and the west line of said 0.0539 acre quit claimed parcel, a distance of 55.11 feet to a found five eighths inch iron rod with cap stamped "RWP";
3. **THENCE**, North 87 degrees 29 minutes 06 seconds East, along the interior line of said 0.0539 acres quit claimed parcel, distance of 70.05 feet to found five eighths inch iron rod with cap stamped "RWP" in the west line of said 0.0539 quit claimed parcel;
4. **THENCE**, South 02 degrees 32 minutes 03 seconds East, along the west line of said 0.0539 acre quit claimed parcel, a distance of 146.07 feet to the north line of Lot 5, Block 7 Pitts Addition as conveyed to Harris County by an instrument recorded volume 2232, page 77 H.C.D.R.;
5. **THENCE**, South 87 degrees 29 minutes 47 seconds West, along the north line of said Harris County Parcel, a distance of 44.99 feet to a set "X" in the east line of said McDonald Street;

6. **THENCE**, South 02 degrees 32 minutes 58 seconds East, along the said east line of McDonald Street, a distance of 50.00 feet to a set five eighths inch iron rod with cap stamped "CCI", marking the southwest corner of Lot 5 and the north west corner of Lot 6;
7. **THENCE**, North 87 degrees 29 minutes 47 seconds East, along the north line of said Lot 6, a distance of 32.92 feet to a set "X" in concrete north line of West (Richey) Tunnel Access Road (variable width);
8. **THENCE**, South 72 degrees 19 minutes 08 seconds West, along the north line of West (Richey) Tunnel Access Road, for a distance of 33.99 feet to a set five eighths inch iron rod with cap stamped "CCI";
9. **THENCE**, South 68 degrees 54 minutes 39 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 53.50 feet to a set five eighths inch iron rod with cap stamped "CCI";
10. **THENCE**, South 68 degrees 26 minutes 11 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 96.46 feet to a set "X" in concrete;
11. **THENCE**, South 66 degrees 43 minutes 13 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 34.80 feet to a found five eighths inch iron rod;
12. **THENCE**, North 24 degrees 08 minutes 16 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 20.00 feet to a found five eighths inch iron rod;
13. **THENCE**, South 63 degrees 10 minutes 24 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 71.58 feet to a found five eighths inch iron rod;
14. **THENCE**, South 59 degrees 39 minutes 17 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 33.89 feet to a set five eighths inch iron rod with cap stamped "CCI" in the east line of said Vince Bayou;
15. **THENCE**, North 36 degrees 46 minutes 30 seconds West, along the said east line of said Vince Bayou, a distance of 39.69 feet to a found five eighths inch iron rod;
16. **THENCE**, North 47 degrees 13 minutes 26 seconds West, continuing along the said east line of said Vince Bayou, a distance of 76.30 feet to a found five eighths inch iron rod;
17. **THENCE**, North 43 degrees 12 minutes 48 seconds West, continuing along the said east line of said Vince Bayou, a distance of 49.94 feet to a found five eighths inch iron rod;

Vince Bayou East  
March 5, 2008  
Rev: March 11, 2008

18. **THENCE**, North 35 degrees 52 minutes 32 seconds West, continuing along the said east line of said Vince Bayou, a distance of 50.02 feet to a found five eighths inch iron rod;
19. **THENCE**, North 33 degrees 46 minutes 08 seconds West, continuing along the said east line of said Vince Bayou, a distance of 92.61 feet to a found five eighths inch iron rod;
20. **THENCE**, North 23 degrees 39 minutes 07 seconds West, continuing along the said east line of said Vince Bayou, a distance of 81.71 feet to a set five eighths inch iron rod with cap stamped "CCI";
21. **THENCE**, North 07 degrees 01 minutes 13 seconds West, continuing along the said east line of said Vince Bayou, a distance of 25.39 feet to the **POINT OF BEGINNING**;

## DEED WITHOUT WARRANTY

**Date:** \_\_\_\_\_, 2008

**Grantor:** City of Pasadena, Texas a Home Rule Municipal Corporation

**Grantor's Mailing Address (including county):** P O Box 672  
Pasadena, Texas 77501

**Grantee:** U.S. Oil Recovery #2 LLP

**Consideration:** Ten and No/100 (\$10.00) and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged.

**Property:** A 1.776 acre out of the former Vince Bayou Wastewater Treatment Plant, Northeast corner of North Richey Street and proposed Pitts Street and West of Vince Bayou and more fully described at Exhibit "1" attached hereto.

1. The conveyance is made by Grantor and accepted by Grantee subject to all valid and subsisting conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements whether of record or not, and all laws, regulations, and restrictions, including building and zoning ordinances, of municipal or other governmental authorities applicable to and enforceable against the above-described Property.
2. Grantor reserves and excepts for itself, its successors and assigns, and its predecessors in title in accordance with their respective interest of record, all oil, gas and other minerals on, in and under the above-described Property.
3. The Property is conveyed in its "as is" condition existing on the date of this conveyance.
4. Grantor makes no warranty or guarantee as to, or concerning, the suitability of the Property for any particular application or use or the current environmental condition of the Property, nor does it make any warranty. By accepting and filing this Deed, Grantee acknowledges that it has investigated the Property and accepts the Property in its current condition, including, specifically, its current environmental condition.
5. Grantee acknowledges that the Property described herein may have been used in connection with municipal sewage treatment operations, including the storage, transfer and disposal of raw municipal sewage and that such sewage products, or derivatives may have been spilled, leaked, or otherwise discharged onto or into the Property. Equipment and sites may contain asbestos, hazardous substances, or Naturally Occurring Radioactive Material ("NORM"); and NORM-containing material and other wastes or hazardous substances may be buried, have come into contact with the soil, or otherwise have been disposed of on the Property. Grantee



understands that special procedures may be required for the remediation, removal, transportation, or disposal of wastes, asbestos, hazardous substances, and NORM from the equipment and Property. Grantee assumes all liability when such activities are performed by or on behalf of Grantee.


6. In consideration of the purchase price and for other valuable consideration, Grantee releases and forever discharges Grantor and its employees, agents, servants, representatives, successors, and assigns from, and covenants not to sue Grantor or its employers, agents, servants, representatives, successors, or assigns regarding, all liabilities, claims, demands, or causes of action at law or in equity for injury (including death), destruction, loss or damage of any kind or character, arising from any condition of the Property, including environmental conditions, or relating to Grantee's acquisition, ownership, or use of the Property, regardless of whether the liability, claim, demand, or cause of action was known or unknown, foreseeable or unforeseeable, on the effective date of this Deed. Grantee's release, discharge, and covenant not to sue includes liabilities, claims, demands, or causes of action resulting in any way and in whole or in part from the negligence or strict liability of Grantor or its employees, agents, servants, representatives, successors, or assigns.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the Property without express or implied warranty, and all warranties that might arise by common law or by statute are excluded.

When the context requires, singular nouns and pronouns include the plural.

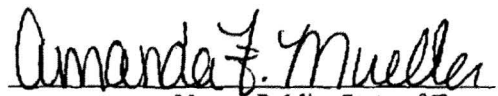
IN WITNESS WHEREOF, Grantor has executed this deed this 1<sup>st</sup> day of December 2008, but EFFECTIVE as of the 1<sup>st</sup> day of December, 2008.

CITY OF PASADENA, TEXAS

By:   
Johnny Isbell  
Mayor of the City of Pasadena, Texas

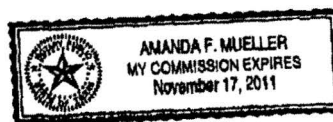
THE STATE OF TEXAS  
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on the 1<sup>st</sup> day of December, 2008 by Johnny Isbell, Mayor of the City of Pasadena, Texas a Home Rule Municipal Corporation, on behalf of said municipal corporation.

  
Notary Public, State of Texas  
Notary's name (printed):

Amanda F. Mueller

Notary's commission expires: November 17, 2011



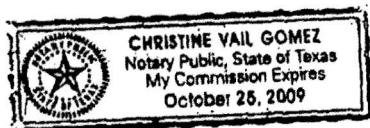
IN WITNESS WHEREOF, Grantee has executed this deed this 1<sup>st</sup> day  
of December, 2008, but EFFECTIVE as of the 1<sup>st</sup> day of December,  
2008.

U.S. OIL RECOVERY #2 LLP

By: [Signature]  
Duly Authorized Representative

THE STATE OF TEXAS  
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on the 1<sup>st</sup> day of  
December, 2008 by Klaus Genssler, Duly  
Authorized Representative, U.S. Oil Recovery #2 LLP of the State of Texas, on behalf of  
said Political Subdivision.



Christine V. Gomez  
Notary Public, State of Texas  
Notary's name (printed):

[Signature]  
Notary's commission expires: 10/25/09

REMAINDER VINCE BAYOU WEST  
EXHIBIT 1

Being 1.776 acres of land out of Lot 12, Outlot 28 Pasadena Townsite as recorded in volume 93, page 21 Harris County deed Records (H.C.D.R.), located in the William Vince Survey, Abstract 78, Pasadena, Harris County, Texas and being more particularly described as follows:

**COMMENCING** at a found five eighths inch iron rod with cap stamped "Weiser" marking the intersection of the east line of North Richey Street (40 feet wide) and the south line of Port Terminal Rail Road (100 feet wide) (Basis of bearings shown hereon are based on the Texas State Plane Coordinate System, South Central zone 4204, NAD 83. All coordinates hereon were calculated using horizontal surface distances);

**THENCE**, South 02 degrees 30 minutes 06 seconds East, along the east line of said North Richey Street, for a distance of 349.45 feet to a set five eighths inch iron rod with cap stamped "CCI" for the **POINT OF BEGINNING**;

1. **THENCE**, North 42 degrees 29 minutes 44 seconds East, over and across said Lot 12, Outlot 28, for a distance of 78.24 feet to a set five eighths inch iron rod with cap stamped "CCI";
2. **THENCE**, North 87 degrees 28 minutes 42 seconds East, continuing over and across said Lot 12, Outlot 28, a distance of 145.76 feet to a found five eighths inch iron rod with cap stamped "WEISER" in the west line of a Harris County Flood Control parcel (variable width) Vince Bayou I 100-00-00;
3. **THENCE**, South 32 degrees 02 minutes 06 seconds East, along the said west line of said Vince Bayou, a distance of 59.39 feet to a found five eighths inch iron rod;
4. **THENCE**, South 47 degrees 04 minutes 20 seconds East, continuing along the said west line of said Vince Bayou, a distance of 99.54 feet to a found five eighths inch iron rod;
5. **THENCE**, South 41 degrees 58 minutes 27 seconds East, continuing along the said west line of said Vince Bayou a distance of 53.22 feet to a found five eighths inch iron rod in the north line of West (Richey) Tunnel Access Road (variable width);
6. **THENCE**, South 47 degrees 40 minutes 28 seconds West, along the said north line of West (Richey) Tunnel Access Road, a distance of 68.47 feet to a found "X" in concrete;
7. **THENCE**, South 47 degrees 20 minutes 37 seconds East, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 19.83 feet to a set five eighths inch iron rod with cap stamped "CCI";
8. **THENCE**, South 42 degrees 37 minutes 18 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 17.65 feet to a found five eighths inch iron rod;

Remainder Vince Bayou West  
March 28, 2008

9. **THENCE**, South 40 degrees 59 minutes 53 seconds West, continuing along the said north line of West (Richey) Tunnel Access Road, a distance of 79.46 feet to a found TxDot monument in the north line of Pitts Street (50 feet wide);
10. **THENCE**, South 87 degrees 27 minutes 02 seconds West, along said north line of said Pitts Street, a distance of 228.18 feet to a set five eighths inch iron rod with cap stamped "CCP" in the east line of said North Richey Street;
11. **THENCE**, North 02 degrees 30 minutes 06 seconds West, along said east line of North Richey Street, a distance of 236.48 feet to the **POINT OF BEGINNING**;

*Ord. No. 2008-296*

**WASTEWATER TREATMENT AGREEMENT**

THE STATE OF TEXAS    §  
                              §                   KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF HARRIS    §

THIS WASTEWATER TREATMENT AGREEMENT (the "Agreement") is made on the last date specified herein by and among the CITY OF PASADENA, TEXAS, a home-rule city of the State of Texas located in Harris County, Texas herewith referred to as "City", and U.S. OIL RECOVERY L.P., hereinafter referred to as "Customer".

**W I T N E S S E T H:**

WHEREAS, Customer desires to discharge Municipal wastewater for use at its facilities located at 400 N. Richey Road, Pasadena, Texas; and

WHEREAS, the City has agreed to accept wastewater from Customer and the Customer has agreed to purchase wastewater treatment from the City as set forth hereinafter; and

WHEREAS, the wastewater will be transported through a City owned sewer; and

WHEREAS, the City will perform the tap for each service connection which will be paid for by the Customer; and

WHEREAS, Customer will construct and maintain the necessary additional sewer line, measuring equipment, and any improvements to

wastewater treatment facilities not owned and operated by the city or its agents from the City tap; and

WHEREAS, the parties desire to set forth the terms and conditions of their agreement;

NOW, THEREFORE, for and in consideration of the premises and mutual covenants and agreements herein contained, the City, and Customer hereby agree as follows:

I.

**DEFINITIONS**

As used in this Agreement the following terms shall have the meanings set forth below:

"Billing Period" means a calendar month.

"City" is defined in the preamble hereof.

"Wastewater Treatment Agreement" shall have the meaning set forth in Section 2.01 hereof.

"Customer" is defined in the preamble hereof.

"Director" means the Director of the City's Public Works Department or his representative.

"Facility" means Customer's U.S. Oil Recovery L.P. located at 400 N. Richey Street, Pasadena, Texas, 77506.

"Force Majeure" shall include, but not be limited to, acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, war, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, water shortage, fires, storms,

floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of government and people, explosions, breakage or damage to machinery, equipment, pipelines or canals, and any other inabilities, whether similar to those enumerated or otherwise, which are not within the control of the party claiming such inability and which by the exercise of due diligence and care such party could not have avoided.

"Given Rate of Flow" means the total quantity of wastewater accepted during the Billing Period as reflected by the measuring equipment, divided by the number of days in the Billing Period.

"Point of Acceptance" means the point of the wastewater line connection at which the service connects to the first manhole.

"TCEQ" means the Texas Commission on Environmental Quality.

"EPA" means United States Environmental Protection Agency.

## II.

### Collection and Wastewater Treatment

#### 2.01 -- City Acceptance of Wastewater.

Subject to the terms and conditions of this Agreement, the City agrees to accept wastewater from Customer at the Point of Delivery as able. Customer agrees to deliver the wastewater to the City for treatment at its Facility. It is expressly understood and agreed that the City shall be in no way obligated to accept more than the amount in the maximum allocation by volume or loading category as set forth in Schedule "A", of wastewater to Customer



during a Billing Period. Customer, however, agrees to pay for the actual quantities of wastewater delivered during the Billing Period according to the billing formulas as set forth in Schedule "A". Customer understands and agrees that City shall not be obligated to accept the wastewater prior the point of delivery. This Agreement does not create any rights in third parties who are not signatories to this Agreement. Customer expressly understands and agrees that the acceptance of wastewater by the City is dependent upon performance and acceptance of wastewater. In addition to payment by the customer in accordance to Schedule "A", Customer shall make monthly payments in accordance to Schedule "B" for power cost to run the second basin at the New Vince WWTP when such operation of the second basin is necessary in the opinion of the City to treat effluent from Customer. This payment for power cost to operate the second basin will be made by separate check to the City Controller.

### III.

#### WASTEWATER LINE AND EQUIPMENT

##### 3.01 -- Installation and Maintenance of Sewer Line and Equipment.

As a condition precedent to acceptance of wastewater hereunder, Customer shall at its sole cost and expense furnish, install and maintain the necessary sewer line, together with measuring equipment properly equipped with meters, totalizers and recording devices of standard type approved by the City for accurately measuring the quantity of wastewater accepted from

Customer. The meters shall have a capacity for measuring the quantity of wastewater delivered by the Customer within an accuracy tolerance of two percent (2%) plus or minus for a Given Rate of Flow. Customer shall also install, operate and maintain the necessary pressure regulating devices and equipment as desired by Customer.

3.02 -- Approval of Sewer Line and Equipment.

The design, location, and installation of the line and equipment shall be performed in accordance with standard practice which shall be subject to approval by City. All wastewater effluent from the customer shall be metered at the customer's facility prior to discharge into the city system.

3.03 -- Access to Measuring Equipment.

During all reasonable hours the City shall have access to the measuring equipment installed by Customer. The meter shall remain the property of the owner and owner shall be responsible for its protection. The City shall, in all cases, decide on the size of the meter which can be set and the location of same. City shall have the right to perform at its own cost and expense periodic calibration tests on the measuring equipment. If any test shows a condition of inaccuracy, City shall make immediate adjustments to the equipment such that the measuring equipment registers within the accuracy tolerance of two percent (2%) plus or minus for a Given Rate of Flow. Nothing herein shall be construed to authorize

Customer to read the meter for purposes of billing, it being intended that the City shall read the meter installed for purposes of billing Customer for wastewater usage.

3.04 -- Notification of Completion of Construction.

Customer shall notify the City within forty-eight (48) hours after it has completed the installation of the wastewater line and equipment so that the City may inspect the completed installation. Customer understands and agrees that the City shall not commence acceptance of wastewater until the sewer line connection and associated equipment have been inspected, tested, and approved by the City and the City has performed the initial meter reading. Notwithstanding the foregoing, the provisions of this Section 3.04 shall not be applicable in the instance where the Customer's facility is lawfully and, pursuant to an existing wastewater supply agreement, legitimately connected to the City's wastewater collection system.

3.05 -- Maintenance of Sewer Lines.

The City agrees that it will attempt to make any necessary repairs to the sewer lines for which it is responsible under this Agreement within a reasonable time.

3.06 -- Customer agrees.

Customer agrees that it shall at no time discharge or allow to enter City facilities any substances in excess of or in violation of standards allowed for City effluent by the TCEQ, EPA or any

agencies with jurisdiction and will indemnify City and be responsible for and pay any fines or judgments or any remedial actions required of City assessed against City or customer as a result of a discharge violation by customer.

#### IV.

#### **WASTEWATER RATES, PENALTY, AND PAYMENT PROCEDURES**

##### 4.01 -- Billing and Payment Procedure.

The City may read the measuring equipment at such periods of frequency as determined to be necessary by the City. City shall bill the Customer monthly by sending a statement to the Customer showing the quantity of wastewater accepted from Customer during the Billing Period and the amount due to the City. Customer shall pay such sum to the City within twelve (12) days of the date of the bill. Payment shall be sent to the following address:

City of Pasadena Water Division  
P.O. Box 1337  
Pasadena, Texas 77501-1337

Should Customer fail to tender payment of any amount when due, interest thereon shall accrue at the rate of ten percent (10%) per annum from the date due until paid. If Customer fails to tender payment of any amount when due and such failure continues for forty-five (45) days after written notice to Customer of default in

payment, the City may suspend its acceptance of wastewater hereunder. The exercise of suspension rights on the part of the City shall be in addition to any other remedy available to the City.

4.02 -- Adjustments to Accounts.

If, upon any test of the measuring and associated equipment installed by Customer, the percentage of inaccuracy is found to be in excess of two percent (2%) for the Given Rate of Flow, Customer's account shall be adjusted for a period extending back to the time when such inaccuracy began, if such time is ascertainable, for a period extending back one-half (1/2) of the time elapsed since the last test or, the date of the last adjustment, whichever is later, not to exceed forty-five (45) days. If the measuring or associated equipment is out of service or out of repair such that the amount of wastewater accepted from Customer cannot be ascertained or computed from the reading thereof, wastewater accepted during the Billing Period shall be estimated and agreed upon by the parties hereto on the basis of available data. Customer specifically agrees that costs or rate increases reflected by any rate increase or increase in treatment cost will be automatically passed on to the Customer on the next billing cycle without further notice to Customer. Any additional costs, actually incurred by the City which are directly attributable to any

increase in the wastewater shall also be passed on to the Customer and Customer shall pay such increase upon thirty (30) day prior written notice to the Customer by the City.

4.03 -- Other Adjustments.

That the right, privilege, permission, and franchise hereby granted is granted subject to the existing Charter and ordinances of the City and such future charters and ordinances which may be hereafter passed, and the right is expressly reserved by the City to amend or otherwise change this Agreement when deemed advisable. The City Council of the City of Pasadena or other governing body reserves the right at all times to change the terms of this Agreement and, in addition to any other right of termination granted in this Agreement, if public necessity and convenience should require termination of this Agreement, then, in that event, the City Council of the City of Pasadena reserves the absolute right to terminate this Agreement and the rights granted herein. Provided, however, such termination shall be by ordinance and shall not become effective until the Grantee has been given thirty (30) days' written notice by registered mail, addressed as follows:

President  
U.S. Oil Recovery L.P.  
400 N. Richey Street

Pasadena, Texas 77506

V.

**TERM AND TERMINATION**

5.01 -- **Term.**

The term of this Agreement shall commence on the last date specified on the signature page of this Agreement and shall terminate upon implementation of a TCEQ approved Pretreatment Program or within two (2) years whichever occurs first unless terminated earlier in accordance with the terms of this Agreement. If within two (2) years the Customer has substantially completed the process to obtain a TCEQ/EPA permit to discharge treated effluent directly where granting of this permit will result in the Customer no longer discharging to the City system the City may consider an extension of this contract to enable the customer to complete the TCEQ/EPA permit process. The City's agreement to amend this Agreement shall be evidenced by the approval of City Council.

5.02 -- **Termination by City.**

In addition to Section 5.01 hereof, the City may terminate this Agreement upon the occurrence of any one or more of the following events:

- (1) Customer fails to perform or observe any of the terms or conditions of this Agreement required to be performed or observed by it;
- (2) Customer is dissolved or liquidated or files a petition in bankruptcy for liquidation.
- (3) The City needs the capacity of loading in the treatment plant for wastewater within its corporate city limits.
- (4) Termination of this Agreement by the City for reason of Customer's default shall also give City the right to cut off service to the Customer water and wastewater line.

Notwithstanding any other term or provision of this Agreement, the City may also terminate this Agreement without cause for any reason, or no reason, upon thirty (30) days written notice to Customer.

5.03 -- Termination by Customer.

Customer may terminate this Agreement if the City fails to perform or observe a material term or condition of this Agreement required to be performed by either or both of them, and the City fails to commence curing the default within 30 days following the City's receipt of written notice thereof from Customer.

**VI.**

**INDEMNIFICATION AND FORCE MAJEURE**



6.01 -- INDEMNIFICATION.

CUSTOMER SHALL DEFEND, INDEMNIFY AND SAVE HARMLESS THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, LIABILITY, PENALTIES, DAMAGES, EXPENSES AND JUDGMENTS OF ANY NATURE AND HOWEVER CAUSED, ARISING OUT OF ANY REAL OR ASSERTED CAUSES OF ACTION, AND FROM ALL COSTS OR LOSSES FROM WRONG, OR INJURY RELATING TO CUSTOMER'S INSTALLATION AND MAINTENANCE OF THE WASTEWATER LINE AND EQUIPMENT DESCRIBED IN THIS AGREEMENT, SUBSTANCES DISCHARGED BY CUSTOMER INTO CITY'S FACILITIES AND CUSTOMER'S PERFORMANCE OF THIS AGREEMENT, INCLUDING THOSE CLAIMS, DEMANDS, LIABILITIES, PENALTIES, DAMAGES, EXPENSES AND JUDGMENTS WHICH INVOLVE OR MAY INVOLVE THE JOINT ACTUAL OR ALLEGED JOINT NEGLIGENCE OF:

- (I) CUSTOMER OR ANY OF ITS EMPLOYEES, AGENTS OR CONTRACTORS; AND
- (II) EITHER THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES.

CUSTOMER AGREES TO AND SHALL INDEMNIFY AND HOLD HARMLESS THE CITY OF PASADENA, ITS OFFICERS, AGENTS, AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, CLAIMS OF ACTION, SUITS, AND LIABILITY OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COST, AND ATTORNEY'S FEES, FOR INJURY OR DEATH OF ANY PERSON, OR

FOR DAMAGE TO ANY PROPERTY, ARISING OUT OF OR IN CONNECTION WITH THE WORK DONE BY THE CUSTOMER, ITS AGENTS, SERVANTS, OR EMPLOYEES UNDER THIS CONTRACT OR CONNECTED THEREWITH WHERE SUCH INJURIES, DEATH OR DAMAGE, OR DESTRUCTION OF PROPERTY (INCLUDING PROPERTY OF THE CITY OF PASADENA) ARE CAUSED BY OR RESULTING FROM THE SOLE, JOINT, OR CONCURRENT NEGLIGENCE OF CUSTOMER, ANY OF ITS EMPLOYEES, AGENTS, SERVANTS, OR THE CITY, ITS OFFICERS, AGENTS, OR EMPLOYEES.

IT IS THE EXPRESSED INTENTION OF THE CITY AND CUSTOMER THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS INDEMNITY BY CUSTOMER TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCES OF THE NEGLIGENCE OF THE CITY AND ITS OFFICERS, AGENTS OR EMPLOYEES WHERE THE NEGLIGENCE OF THE CITY IS A CONCURRING CAUSE OF THE INJURY, LOSS, DEATH OR DAMAGE. FURTHERMORE, IT IS THE EXPRESSED INTENTION OF THE CITY AND CUSTOMER THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION SHALL APPLY TO ANY CLAIM, LOSS, DAMAGE, CAUSE OF ACTION, SUIT, OR LIABILITY WHERE THE INJURY, DEATH, OR DAMAGE ARE ARISING OUT OF OR RESULTING FROM THE SOLE NEGLIGENCE OF THE CITY, UNMIXED WITH THE FAULT OF CUSTOMER OR ANY OF ITS EMPLOYEES, AGENTS OR CONTRACTORS. SUCH INDEMINIFACTION OF THE CITY BY CUSTOMER SHALL BE EFFECTIVE UNLESS THE DAMAGE IS CAUSED BY THE GROSS NEGLIGENCE OR WILLFULL MISCONDUCT OF THE CITY OF PASADENA, ITS OFFICERS, AGENTS,

OR EMPLOYEES. EACH OF THE PARTIES TO THIS AGREEMENT SHALL NOTIFY THE OTHER PARTY OR PARTIES OF ANY CLAIM ASSERTED AGAINST IT AND SHALL DELIVER TO THE OTHER PARTIES THE ORIGINAL OR A TRUE COPY OF ANY SUMMONS OR OTHER PROCESS, PLEADING OR NOTICE ISSUED IN ANY SUIT OR OTHER PROCEEDING TO ASSERT OR ENFORCE ANY CLAIM ARISING OUT OF PERFORMANCE OF THIS AGREEMENT. EACH PARTY SHALL HAVE THE RIGHT TO DEFEND ANY SUCH SUIT OR INDEMNIFIABLE CLAIM WITH ATTORNEYS OF ITS OWN SELECTION AND SHALL COOPERATE WITH EACH OF THE OTHER PARTIES TO THE EXTENT PRACTICABLE UNDER THE CIRCUMSTANCES. CUSTOMER CONVENANTS AND AGREES THAT IN THE EVENT THE CITY SHALL BE MADE A PARTY TO ANY LITIGATION COMMENCED BY OR AGAINST THE CUSTOMER OR RELATING TO THIS AGREEMENT IN ANY MANNER OR ARISING OUT OF OR INCIDENT TO THIS AGREEMENT, THEN CUSTOMER SHALL AND WILL PAY ALL COST AND EXPENSES, INCLUDING REASONABLE ATTORNEYS FEES AND COURT COSTS, INCURRED BY OR IMPOSED UPON THE CITY BY VIRTUE OF ANY SUCH LITIGATION. CUSTOMER SHALL REQUIRE ALL OF ITS CONTRACTORS OR SUBCONTRACTORS TO INCLUDE IN THEIR CONTRACTS, A RELEASE AND IDEMINITY AGREEMENT IN FAVOR OF THE CITY IN SUBSTANTIALY THE SAME FORM AS ABOVE. FOR PURPOSES OF THIS INDEMNIFICATION PROVISION, ACTS AND/OR OMISSIONS OF CUSTOMER'S OFFICERS, AGENTS, EMPLOYEES, AND CONTRACTORS SHALL BE CONSIDERED THE ACTS AND OMISSIONS OF CUSTOMER.

6.02 -- Suspension of Force Majeure Notice

In the event that Force Majeure renders city wholly or partially unable to carry out any of its obligations under this Agreement, or in the event Force Majeure renders the City wholly or partially unable to operate or use the treatment facilities, it is agreed that on city's giving notice and full particulars of such Force Majeure in writing to the other parties as soon as possible after the occurrence of the cause relied upon, then the obligations of the city giving such notice, to the extent it is affected by Force Majeure, shall be suspended during such period.

VII.

MISCELLANEOUS PROVISIONS

7.01 -- Disruption of Wastewater Service.

Both Customer and City agree to cooperate during an emergency situation involving the disruption of wastewater service.

7.02 -- No Resale of Wastewater Capacity.

Customer shall not transfer wastewater capacity received from the City hereunder to any other persons or entities without the express written consent of the City Council of the City. In the event Customer does so, the City may declare Customer in default hereof and, upon notice thereof to Customer, this Agreement is automatically terminated. In addition to this remedy, Customer shall be liable for triple the rate for all wastewater received for

any period of time during which sale or transfer of wastewater capacity was made.

7.03 -- Independent Contractor.

The relationship of Customer to the City shall be that of an independent contractor. Nothing herein contained shall be construed as constituting Customer as an employee, agent, servant, or department of the City. The City shall not be liable for the acts of Customer, its officers, members, agents, employees, or contractors.

7.04 -- Business Structure and Assignments.

Customer shall not assign this Agreement or dispose of all or substantially all of its assets in a manner which will materially affect its performance of the services under this Agreement without the written consent of the City Council of the City. Any assignment without written consent shall be an event of default entitling the City to avail itself of all legal remedies available to it. The City shall not assign this Agreement other than to an entity controlled by the City.

7.05 -- Subcontractors.

Customer shall not subcontract any part of its performance under this Agreement without approval of the City Council of the City. If such approval is given, any subcontractor and all employees of the subcontractor shall be treated by the City in

connection with this Agreement only, as if they were employees of Customer.

7.06 -- Administration of Agreement.

Except as otherwise provided herein, this Agreement shall be administered on behalf of the City by the Director and all correspondence and questions from Customer shall be directed to the Director.

7.07 -- Parties in Interest.

This Agreement shall not bestow any rights upon any third party, but rather, shall bind and benefit the City and Customer only.

7.08 -- Non-Waiver.

Failure of a party hereto to insist on the strict performance of any of the agreements herein or to exercise any rights or remedies accruing hereunder upon default or failure of performance shall not be considered a waiver of the right to insist on and to enforce by any appropriate remedy, strict compliance with any other obligation hereunder or to exercise any right or remedy occurring as a result of any future default or failure of performance.

7.09 -- Applicable Laws.

This Agreement is subject to and shall be construed in accordance with the laws of the State of Texas, the City Charter and Ordinances of the City, the laws of the federal government of

the United States of America and all rules and regulations of any regulatory body or officer having jurisdiction over the performance of services required by this Agreement. This Agreement is performable in Harris County, Texas. In the event a court of law finds one or more of the provisions or terms of this Agreement to be illegal, it is the intention of the parties that the remaining parts of the contract be enforced.

7.10 -- Licenses and Permits.

Customer shall obtain and pay for all licenses, permits and certificates required by any statute, ordinance, rule, or regulation of any regulatory body having jurisdiction over the performance of services required hereunder.

7.11 -- Notices.

All notices required or permitted hereunder shall be in writing and shall be deemed received when actually received or if earlier, on the third (3rd) day following deposit in a United States Postal Service post office or receptacle with proper postage affixed (certified mail, return receipt requested) addressed to the other parties at the address set forth below or at such other address as a party may have theretofore prescribed by notice to the other parties:

(1) City of Pasadena: Director of Public Works  
City of Pasadena  
P.O. Box 672  
Pasadena, Texas 77501

(2) Customer:

President  
U.S. Oil Recovery LP  
400 N. Richey Rd.  
Pasadena, TX. 77506



7.12 -- Captions.

The captions at the beginning of the articles, sections, and subsections of this Agreement are guides and labels to assist in locating and reading such articles, sections, and subsections and, therefore, will be given no effect in construing this Agreement and shall not be restrictive of or be used to interpret the subject matter of any article, section, subsection or part of this Agreement.

7.13 -- Insurance

Upon execution of this Agreement, Customer shall furnish to City certificates of insurance evidencing coverage as herein specified, and Customer shall maintain such insurance coverage throughout the duration of this Agreement:

(a) Comprehensive General Liability Insurance including Bodily Injury and Property Damage in a minimum amount of \$1,000,000 per occurrence, including coverage for risk of liability of Customer to the City or to others, for damage to the Treatment Facility or for Personal Injury, Death or other injury or damage sustained by the City, by employees of the City, or by others as a result of the transportation and/or delivery of wastewater to the Treatment Facility by Customer, or as a result of the acceptance of such wastewater by the City; and

(b) Pollution Liability Coverage in a minimum amount of \$5,000,000 per occurrence, including coverage for risk of pollution liability, as a result of the transportation and/or delivery of wastewater to the Treatment Facility.

All insurance policies required hereunder shall contain a provision that the coverage afforded under the policy will not be canceled, non-renewed, or changed until at least thirty (30) days written notice thereof has been given to City by certified mail, return receipt requested. Such insurance shall be in effect for the entire term of this Agreement and shall name City its officers and employees as an additional insureds.

7.14 -- Acceptances and Approvals.

Any acceptance or approval by either the City or its agents or employees shall not constitute nor be deemed to be a release of the responsibility and liability of Customer, its employees, agents, subcontractors or suppliers for the accuracy, competency and completeness for any documents prepared or services performed pursuant to the terms and conditions of this Agreement, nor shall acceptance or approval be deemed to be an assumption of such responsibility or liability by the City or its agents and employees for any defect, error or omission in any documents prepared or services performed by Customer, its employees, agents, subcontractors or suppliers pursuant to this Agreement.

7.15 -- Inspections and Audits.

The City and the Customer shall have the right to examine, review, copy and audit all books, records and billing documents which are directly related to performance or payment under this Agreement. Customer and the City shall maintain such books, records, and billing documents for five (5) years after termination or expiration of this Agreement.

7.16 -- Remedies.

The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereafter existing, whether statutory, at law, or in equity.

7.17 -- Ambiguities.

In the event of an ambiguity in any of the terms of this Agreement, such term(s) shall not be construed for or against any party hereto on the basis that such party did or did not author the same.

7.18 -- Survival.

The provisions set forth in Section 6.01 herein shall survive the termination, cancellation, or expiration of this Agreement.

7.19 -- Entire Agreement.

This Agreement contains all the agreements of the parties relating to the subject matter hereof and is the full and final expression of the Agreement between the parties.

IN WITNESS WHEREOF, the parties have made and executed this Agreement in multiple copies, each of which shall be an original, as of this 26<sup>th</sup> day of January, 2000.

[U.S. Oil Recovery LP]

CITY OF PASADENA, TEXAS

BY:

Klaus Genssler  
NAME: KLAUS GENSSLER  
TITLE: PRESIDENT

BY:

Johnny Isbell  
JOHNNY ISBELL  
MAYOR

ATTEST/SEAL

BY:

Linda Rorick  
LINDA RORICK  
CITY SECRETARY

APPROVED:

Lee Clark  
LEE CLARK  
CITY ATTORNEY

Robin Green  
ROBIN GREEN  
DIRECTOR OF PUBLIC WORKS

**SCHEDULE "A"**



**City of Pasadena**

**Industrial Waste Permit Number:  
Department Of Public Works**

PO Box 672  
Pasadena, TX 77501  
713-477-1511

Authorization to discharge under City of Pasadena Industrial Waste Ordinance Chapter 37 Article V.

**US Oil Recovery**

is authorized to discharge into the City's collection system raw liquid waste in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit at the following location:  
400 N. Richey, Pasadena, TX 77506

Regulated Waste Offsite Disposal: **Yes**  
EPA Categorical Limits Applicable: **Yes**  
Significant Industrial User: **Yes** SIC # \_\_\_\_\_  
Pretreatment: **Yes**

Category: **INDUSTRIAL WASTE TREATMENT FACILITY**  
Product/Service: **INDUSTRIAL AND HAZARDOUS WASTE GENERATION, PROCESSING,  
AND STORAGE, MUNICIPAL AND SOLID WASTE DISPOSAL, USED OIL AND  
WASTEWATER**

NAICS Code(s): **484121 AND 56292**

Key Map No.: 536F

Sewer Map No.: Pasadena Wastewater Utility Map 101

Treatment Plant: New Vince Bayou Waste Water Treatment Plant

This permit shall become effective on November 18, 2009 and the authorization to discharge shall expire on the day of City of Pasadena implements its pretreatment program. A new permit will be issued following the implementation of new pre-treatment program based on the pretreatment analysis for the Vince Bayou Wastewater Treatment Plant. The new permit will depend on the condition that US Oil Recovery obtain their own discharge into waters of the US permit from TCEQ within the next 2 years to discharge their effluent to Vince Bayou directly and cease any discharge into City of Pasadena's Vince Bayou wastewater treatment plant.

Signed this 20th day of November, 2008

US Oil Recovery LP  
Name Klaus Gensler Title: President

## PART I

### SECTION A. EFFLUENT LIMITS AND SPECIAL PROVISIONS

1. Local Limits – Set by the City of Pasadena Pretreatment Standard and Ordinance (most current).
2. Special Provisions:

Endorsement A20 40 CFR 437 (PSNS) - CWT - Subpart A - Metals Limits

Endorsement A21 40 CFR 437 (PSNS) - CWT - Subpart B - Oils Limits

Endorsement A22 40 CFR 437 (PSNS) - CWT - Subpart C - Organics Limits

Endorsement D2 - Special Sampling and Reporting Requirement for Phenol

Endorsement P3 - City of Pasadena Sanitary Sewer Discharge Limits

Endorsement S - Significant Industrial User (SIU) Compliance Evaluation Procedure

Endorsement SM - Self-Monitoring Sampling, Reporting and Certification Requirements  
Limit

Endorsement U - Sewer Billing Rate - BOD & TSS is being monitored.

### SECTION B. WATER ACCOUNTS AND SAMPLING POINTS

1. Water and/or Sewer Account Number(s):  
Water Account: 1-03-00231-05  
Sewer discharge Account: 1-03-00228-00
2. Sampling Points:  
Sample Point Number: 1  
Sample Point Location: Sample point near the header to going into the  
Lift Station on Richey Road.  
Sample Point Description: TAP  
Discharge Limits: LOCAL  
Discharge Type: Continuous

### Permitted Discharges, Process Operations and City Discharge Limits

#### Authorized Pollutants and Discharge Limits:

The permittee is authorized to discharge the pollutants, at the allowable City of Pasadena discharge limits. The authorized pollutants are those pollutants that have a potential to be present, or those pollutants that the City will monitor for, in the wastewater that is discharged to the sanitary sewer from the process operations that were at the permitted facility the time this permit was issued. The City will hire a laboratory for sampling and USOR will bear any cost associated with sampling.

#### Process Operation Changes & Unauthorized Pollutant Discharges:

If the permittee modifies, adds or removes an industrial process operation, the permittee is required to provide written notification to the Department of Public Works to include a description of the process change and information concerning any changes in the type and or concentration of pollutants expected in the permittee's industrial discharge to the City's sanitary sewer.

The permittee is required to notify the Department of Public Works before discharging a wastestream with an unauthorized pollutant to the City's sanitary sewer. The permittee's authorized pollutants are listed on



permit endorsement P.

**Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS):**

If a permitted discharge has a monthly average BOD5 concentration exceeding 350 mg/L or an average TSS concentration exceeding 375 mg/L, the permittee will have a sewer rate surcharge. The City is monitoring for BOD and TSS and Endorsement U is part of this permit. If there are any water meter accounts or discharge meter accounts that are surcharged, permit endorsement U will provide the current surcharged sewer billing rate.

**Bypass:**

**(a.) Definitions.**

- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

**(b) Prohibition of bypass.**

- (1) Bypass is prohibited, and the Control Authority may take enforcement action against an Industrial User for a bypass, unless;
  - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (iii) The Industrial User submitted notices as required under paragraph (c) of this Bypass Section of this Industrial Waste Permit.
- (2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (b) (1) of this section.

**(c) Notice.**

- (1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the City of Pasadena's Department of Public Works (Control Authority), if possible, at least ten days before the date of the bypass.
- (2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five days of the time that the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control

Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

**(d) Bypass not violating applicable Pretreatment Standards or requirements.**

An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for the essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this section.

**Slug Load / Slug Discharge and Slug Discharge Control Plans:**

Slug Load or Slug Discharge is defined as any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Industrial Users of the City's sanitary sewer are required to notify the Department of Public Works immediately of any change at its facility that affects the potential for a slug discharge to the sanitary sewer.

The City has determined by experience that the permitted facility has a potential for slug discharges to the sanitary sewer. In the final permit for the facility a Slug Discharge Control Plan or other action to prevent / control a slug discharge will be required. The permit endorsement will include the minimum elements of an acceptable Slug Discharge Control Plan.

**As an interim step until a slug control plan can be developed, the treatment rate set in Endorsement U contains provisions to discourage excessively high concentrations of waste.**

**ENDORSEMENT A20 CATEGORICAL DISCHARGE LIMITS**

**40 CFR 437 Effluent Guidelines and Standards for the INDUSTRIAL AND HAZARDOUS WASTE GENERATION, PROCESSING, AND STORAGE, MUNICIPAL AND SOLID WASTE DISPOSAL, USED OIL AND WASTEWATER**

**Pretreatment Standards for Existing Sources (PSNS):**

**Subpart A - Metals**

Pollutant	Daily Maximum Limit	Monthly Average Limit
Antimony	0.249 mg/L	0.206 mg/L
Arsenic	0.162 mg/L	0.104 mg/L
Cadmium	0.474 mg/L	0.0962 mg/L
Chromium	15.50 mg/L	3.0700 mg/L
Cobalt	0.192 mg/L	0.1240 mg/L
Copper	4.140 mg/L	1.0600 mg/L
Cyanide (In-plant)	500 mg/L	178 mg/L
Lead	1.320 mg/L	0.2830 mg/L
Mercury	0.00234 mg/L	0.000739 mg/L
Nickel	3.950 mg/L	1.4500 mg/L
Silver	0.120 mg/L	0.0351 mg/L
Tin	0.409 mg/L	0.1200 mg/L
Titanium	0.0947 mg/L	0.0618 mg/L
Vanadium	0.218 mg/L	0.0662 mg/L
Zinc	2.870 mg/L	0.6410 mg/L

**National Categorical (EPA) Limits and Permitted Categorical (EPA) Sample Points**

The sanitary sewer discharge limits listed on this permit endorsement are applicable at the permitted categorical (EPA) sample points listed on page two (2) of this Industrial Waste Permit.

**A. Definition of an "EPA" Sample Point:**

1. An "EPA" sample point is where the discharge from the categorical (regulated) processes can be sampled prior to dilution with any non-categorical discharge.

**B. Permitted Sample Points:**

1. All permitted sample points are listed on page two (2) of this permit. Any sample point with the word "EPA" next to the words "DISCHARGE LIMIT(S)" is a categorical sample point. If the words "EPA" and "LOCAL" appear, compliance will be determined by using the lowest discharge limit.

**ENDORSEMENT A21 CATEGORICAL DISCHARGE LIMITS**

**40 CFR 437 Effluent Guidelines and Standards for the Centralized Waste Treatment Point Source Category. Pretreatment Standards for Existing Sources (PSNS):  
Subpart B - Oils**

Pollutant	Daily Maximum Limit	Monthly Average Limit
Chromium	0.746 mg/L	0.323 mg/L
Cobalt	56.40 mg/L	18.80 mg/L
Copper	0.500 mg/L	0.242 mg/L
Lead	0.350 mg/L	0.160 mg/L
Tin	0.335 mg/L	0.165 mg/L
Zinc	8.260 mg/L	4.500 mg/L
<b>ORGANIC ANALYTES</b>		
Bis(2-ethylhexyl) phthalate	0.215 mg/L	0.101 mg/L
Carbazole	0.598 mg/L	0.276 mg/L
n-Decane	0.948 mg/L	0.437 mg/L
Fluoranthene	0.0537 mg/L	0.0268 mg/L
n-Octadecane	0.589 mg/L	0.302 mg/L

**National Categorical (EPA) Limits and Permitted Categorical (EPA) Sample Points**

The sanitary sewer discharge limits listed on this permit endorsement are applicable at the permitted categorical (EPA) sample points listed on page two (2) of this Industrial Waste Permit.

**A. Definition of an "EPA" Sample Point:**

1. An "EPA" sample point is where the discharge from the categorical (regulated) processes can be sampled prior to dilution with any non-categorical discharge.

**B. Permitted Sample Points:**

1. All permitted sample points are listed on page two (2) of this permit. Any sample point with the word "EPA" next to the words "DISCHARGE LIMIT(S)" is a categorical sample point. If the words "EPA" and "LOCAL" appear, compliance will be determined by using the lowest discharge limit

**ENDORSEMENT A22 CATEGORICAL DISCHARGE LIMITS**

**40 CFR 437 Effluent Guidelines and Standards for the Centralized Waste Treatment Point Source Category. Pretreatment Standards for Existing Sources (PSNS):  
Subpart C - Organics**

Pollutant	Daily Maximum Limit	Monthly Average Limit
<b>ORGANIC ANALYTES</b>		
<b>o-Cresol</b>	1.920 mg/L	0.561 mg/L
<b>p-Cresol</b>	0.698 mg/L	0.205 mg/L
<b>2,4,6-Trichlorophenol</b>	0.155 mg/L	0.106 mg/L

**National Categorical (EPA) Limits and Permitted Categorical (EPA) Sample Points**

**The sanitary sewer discharge limits listed on this permit endorsement are applicable at the permitted categorical (EPA) sample points listed on page two (2) of this Industrial Waste Permit.**

**A. Definition of an "EPA" Sample Point:**

1. An "EPA" sample point is where the discharge from the categorical (regulated) processes can be sampled prior to dilution with any non-categorical discharge.

**B. Permitted Sample Points:**

1. All permitted sample points are listed on page two (2) of this permit. Any sample point with the word "EPA" next to the words "DISCHARGE LIMIT(S)" is a categorical sample point. If the words "EPA" and "LOCAL" appear, compliance will be determined by using the lowest discharge limit.

## **ENDORSEMENT D2-SPECIAL MONITORING AND REPORTING PROVISION FOR PHENOL**

In accordance with the provisions listed in Chapter 37, Article V; (Discharge of Industrial Waste) of the City of Pasadena's Code of Ordinances, the following provisions are hereby added to this Industrial Waste Permit.

### **SPECIAL MONITORING AND REPORTING PROVISION**

**The following self-monitoring for phenol shall be performed and reported as specified below:**

1. Perform a daily colorimetric phenol test of the industrial wastewater discharge to the City's sanitary sewer system.
2. Maintain a daily log of the colorimetric phenol tests and submit a copy of the log to the City by the fifteenth (15<sup>th</sup>) of each month for the previous month's phenol testing.

**The log shall include the following information:**

1. The date the test was performed.
2. The time the test was performed.
3. The person's name that performed the test.
4. The location the sample collected (listed in Page 2) to perform the colorimetric test.
5. The result of the colorimetric test using the number scale that is provided with the test.

**The monthly log should be submitted to the Department of Public Works, PO Box 672, Pasadena, Texas 77501.**

**ENDORSEMENT P3 --City of Pasadena Sanitary Sewer Discharge Limits**

The City of Pasadena is in the process of developing limits for discharges to the sanitary sewer system. As these are developed, they will be included in the permit. In the interim while these limits are being developed, the following will apply.

**If the following monthly average values for BOD, TSS or Phenol are exceeded sewer billing rates will be surcharged:**

BOD (Biochemical Oxygen Demand)	greater than 350 mg/L
TSS (Total Suspended Solids)	greater than 375 mg/L
Total Phenols	greater than 30 mg/L

**An additional surcharge will be imposed for the daily maximum concentration measured during a month in relation to the following values:**

BOD (Biochemical Oxygen Demand)	greater than 2500 mg/L
TSS (Total Suspended Solids)	greater than 2500 mg/L
Total Phenols	greater than 80 mg/L

## ENDORSEMENT S

### SIU COMPLIANCE EVALUATION

In accordance with 40 CFR Part 403.3(v), the permittee has been identified as a Significant Industrial User (SIU) of the City's sanitary sewer system (see page 1 of permit).

Part of determining the compliance status of a SIU is performing an evaluation on the SIU's sample data to determine the compliance status with the permitted effluent limits (chronic limits) and the Technical Review Criteria (TRC) limits.

The Technical Review Criteria Limits are 40% higher than the listed discharge limit for oil and grease, and 20% higher for all other listed discharge limits except pH.

An evaluation of your firm's compliance with the permitted discharge limits is performed quarterly using six month rolling quarters as follows:

1 <sup>st</sup> Quarter.....	July 1 <sup>st</sup>	through	December 31 <sup>st</sup>
2 <sup>nd</sup> Quarter.....	October 1 <sup>st</sup>	through	March 31 <sup>st</sup>
3 <sup>rd</sup> Quarter.....	January 1 <sup>st</sup>	through	June 30 <sup>th</sup>
4 <sup>th</sup> Quarter.....	April 1 <sup>st</sup>	through	September 30 <sup>th</sup>

Based on the evaluation of sample data and other criteria (listed in this permit endorsement), per 40 CFR 430.8(f)(2)(viii)(A-H), each Significant Industrial User will be identified as compliant, non-compliant, or significantly noncompliant (SNC).

The City of Pasadena will also issue a notice of violation to each Significant Industrial User that has been identified as being significantly noncompliant. The notice of violation will inform the SIU of their SNC status, the reason for being SNC, and the SIU will be notified that their company name and the reason for being SNC will be published during the month of November, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City of Pasadena, in a list of the Significant Industrial Users or other Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.



**ENDORSEMENT S**  
(continued)

The criteria to determine Significant Noncompliance as per 40 CFR 430.8(f)(2)(viii) paragraphs A – H and shall be applicable to all Significant Industrial Users or any other Industrial User of the sanitary sewer that violates paragraphs (C), (D), or (H) and is as follows:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement that [the Superintendent] determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in City of Pasadena's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the City of Pasadena determines will adversely affect the operation or implementation of the local pretreatment program.

## **Endorsement SM Self-Monitoring Sampling and Reporting Requirements Certification Requirements for Significant Industrial Users**

In accordance with 40 CFR Part 403.3(v), the permitted industry has been identified on page one of this permit as a Significant Industrial User (SIU) of the City's sanitary sewer system. This permit endorsement provides information concerning the collection of wastewater samples when an SIU is required to perform self-monitoring of their industrial discharge to the City's sanitary sewer, the reporting requirements when an SIU becomes aware of a violation of the discharge limits of this permit and, a certification requirement when submitting analytical laboratory reports of wastewater samples.

### **Self-monitoring Requirements - the collection of wastewater samples**

The permitted industry is responsible for performing self-monitoring to demonstrate compliance when required by the City of Pasadena. The permitted industry is not required to perform routine self-monitoring unless there are special self-monitoring sampling requirements specified elsewhere in this permit.

Routine sample collection and testing will be performed by the City of Pasadena. If the City sample testing detects a permitted discharge limit violation, then a violation notice will be issued. The violation notice may require the permitted industry to perform self-monitoring.

If self-monitoring is required the permitted industry shall follow the sampling instructions that are provided in each notice of violation. At a minimum each notice of violation will specify the following:

1. **The sample collection point**

Wastewater samples are to be collected at the sample point(s) that are specified in each violation notice. Refer to page 2 of this permit for a list of sample points.

2. **The type of sample to be used for self monitoring**

The type of sample that will be required when performing self-monitoring will be specified each time the City of Pasadena requests self-monitoring in a notice of violation or requires self-monitoring in an Industrial Waste Permit.

A grab sample or a composite sample may be required. Definitions of a grab or composite sample are provided in Section 47-186; Part II of this permit.

Sampling for such pollutants as pH, cyanide, oil and grease, and volatile organic compounds require manual collection of grab samples. All grab samples must be representative of the monitored discharge and are to be collected from actively flowing wastestream. A grab sample or composite sample will be required when sampling for a heavy metal or a semi-volatile organic compound.

Whenever a composite sample is required the permitted industry is hereby authorized to collect a time-proportional composite sample (as opposed to a flow-proportional composite sample) unless a particular notice of violation or permit requirement specifies that flow-proportional composite sampling is required. Each composite sample must be collected during the permitted industry's normal operating hours from a actively flowing wastestream. Sample collection and handling protocols must be done in accordance with 40 CFR Part 136.

**Endorsement SM – Self-Monitoring Sampling and Reporting Requirements**  
**Certification Requirements for Significant Industrial Users**

(continued)

**3. Number of samples to be collected and the frequency of sampling**

The permitted industry will be required to collect 3 samples on three different days for each instance of non-compliance that is addressed in a notice of violation or other enforcement document. However, the number of samples required may vary depending on the nature of the violation, the magnitude of the violation, the duration of the violation, the frequency of the violation (isolated or recurring), and the (potential) impact of the violation (e.g., interference, pass through, or POTW worker safety).

**4. Parameters to be tested – identification of pollutants to be monitored**

Each notice of violation will identify which parameters are to be tested for when self-monitoring is required. However, any parameter listed with a discharge limit on any endorsement in this permit is subject to being non-compliant and therefore, subject to being identified in a notice of violation that requires self-monitoring to demonstrate compliance. A review of this permit will also identify any parameter that requires special self-monitoring and reporting requirements.

**5. Analytical test methods required for testing self-monitoring wastewater samples**

The only test methods that are approved for the testing of wastewater samples are the analytical methods listed in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

**Self-monitoring Reporting Requirements**

**1. Requirements for laboratory reports and chain of custody forms**

The analytical laboratory reports and chain of custody forms that are submitted to the City, in response to any self-monitoring requirement, must contain specific information to be acceptable. Each notice of violation or other enforcement document, will provide a list of the requirements for laboratory reports and chain of custody forms. If it is determined that the required information is not provided on a lab report or chain of custody form, a violation notice may be issued to require the permitted industry to repeat the self-monitoring sampling and analyses.

**2. Reporting a violation / repeat sampling and reporting**

In accordance with 40 CFR 403.12(g) (2):

If sampling performed by the permitted industry indicates a violation, the industry shall notify the Control Authority (City of Pasadena/Department of Public Works) within twenty-four (24) hours of becoming aware of the violation. The permitted industry shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City of Pasadena within thirty (30) days after becoming aware of the violation. Where the City of Pasadena has performed sampling and analysis in lieu of the permitted industry the City must perform the repeat sampling and analysis unless it notifies the permitted industry of the violation and requires the industry to perform the repeat analysis.

Resampling is not required if:

- a. The City of Pasadena performs sampling at the permitted industry's facility at least once a month, or
- b. The City of Pasadena performs sampling at the permitted industry between the time when the initial sampling was conducted and the time when the permitted industry or the City receives the results of this sampling.

**Endorsement SM – Self-Monitoring Sampling and Reporting Requirements**  
**Certification Requirements for Significant Industrial Users**  
(continued)

**Certification Requirement**

A certification will be required with the analytical laboratory reports and chain of custody forms for any self-monitoring that is performed. A separate certification shall be submitted by the permitted industry in response to each notice of violation or other self-monitoring sampling event.

A certification form will be provided to the permittee with each notice of violation. The certification will have the date of the notice of violation to indicate which certification to complete and submit with the self-monitoring laboratory reports. If a permitted industry performs voluntary self-monitoring and submits the results of the self-monitoring to the City, a certification statement is required. The industry should use the exact certification that appears in this permit endorsement (see below).

All certifications shall be signed by an authorized representative of the permitted industry.  
40 CFR Part 403.12(l) *Signatory requirements for Industrial User reports* provides the criteria to determine who can qualify as an authorized representative. **If there is a change in the name and or title of an authorized representative the Department of Public Works shall be notified in writing of such a change.**

The following certification shall be included with all analytical laboratory reports for self-monitoring:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

## ENDORSEMENT U

### Establishment of Sewer User Charge Based on Strength of Waste

In accordance with Chapter 47, Article III of the City Code of Ordinances, the following information has been used in establishing your firm's wastewater billing rate:

- (1) The wastewater discharged from the permitted facility has been analyzed during 2008 and found to contain an average biochemical oxygen demand (BOD) concentration of 5,128 mg/L, an average total suspended solids (TSS) concentration of 152 mg/L and a total phenol concentration of over 110 mg/L.
- (2) The rate (\$/1,000 gallons) for treating this waste will include surcharges based on monthly average concentration of the above parameters listed in Endorsement P3.
- (3) Because of the potential for high concentrations of these parameters to harm the operation of wastewater treatment facility, an additional surcharge is imposed based on the daily maximum concentration in the month above the maximum concentrations listed in Endorsement P3.

The base sewer surcharge rates are based on those employed by the City of Pasadena, and the available data from the existing discharge. These rates may be revised as operating experience is gained. The minimum base rate (for sewer billing) for industrial accounts and for sewer discharge meter accounts; is taken as \$4.84 per 1,000 gallons. The surcharges are:

#### **BOD -**

Monthly Average Surcharge = (Monthly Average BOD - 350 mg/L) x \$0.00181

Surcharge on Daily Maximum Value = Monthly Maximum BOD - 2,500 mg/L x \$0.0018

#### **TSS -**

Monthly Average Surcharge = (Monthly Average TSS - 375 mg/L) x \$0.00387

Surcharge on Daily Maximum Value = Monthly Maximum TSS - 2,500 mg/L x \$0.0387

#### **Total Phenol -**

Monthly Average Surcharge = (Monthly Average Phenol - 30 mg/L) x \$0.05

Surcharge on Daily Maximum Value = (Monthly Maximum Phenol - 80 mg/L) x \$0.05

Example—the monthly average and maximum values are: Average      Maximum

BOD	2,000	6,000
TSS	200	600
Phenol	40	80

The surcharges would be:

BOD = (2,000-350) x .0018 = \$2.97	+	(6,000-2,500) x \$0.0018 = \$6.30
TSS = (200-375) x 0.0038 = 0	+	(600-2,500) x \$0.038 = 0
Phenol = (40-30) x \$0.05 = \$0.50	+	(80-50) x \$0.05 = \$1.50

Total Surcharge = 2.97+6.30+0+0+0.50+1.50 = \$11.27. With a base rate of \$4.84/1,000 gallons, the total sewer rate for the month would be \$16.11/1,000 gallons.

**SCHEDULE "B"**

NEW VINCE BAYOU - 2 Basins								
Month	Billed				Days in Billing Cycle	Daily KWH's	Daily KWH Cost	Total Cost / KWH
	Start Date	End Date	Amount	KWH's				
JUL	7/17/2007	8/14/2007	\$ 57,162.93	627,338	28	22,405	\$ 2,041.53	\$ 0.0911
AUG	8/15/2007	9/17/2007	\$ 67,075.96	742,124	33	22,489	\$ 2,032.60	\$ 0.0904
SEP	9/14/2007	10/14/2007	\$ 53,795.97	591,923	30	19,731	\$ 1,793.20	\$ 0.0909
OCT	10/15/2007	11/13/2007	\$ 54,142.78	595,126	29	20,522	\$ 1,866.99	\$ 0.0910
NOV	11/14/2007	12/13/2007	\$ 54,807.21	603,386	29	20,806	\$ 1,889.90	\$ 0.0908
DEC	12/14/2007	1/14/2008	\$ 56,537.58	625,397	31	20,174	\$ 1,823.79	\$ 0.0904
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AVG			\$ 57,253.74	630,882		21,021	\$ 1,908.00	AVG
MAX			\$ 67,075.96	742,124		22,489	\$ 2,041.53	MAX
MIN			\$ 53,795.97	591,923		19,731	\$ 1,793.20	MIN
TOTAL			\$ 343,522.43	3,785,284		126,126	\$ 11,448.03	TOTAL

NEW VINCE BAYOU - 1 Basin								
Month	Billed				Days in Billing Cycle	Daily KWH's	Daily KWH Cost	Total Cost / KWH
	Start Date	End Date	Amount	KWH's				
FEB	2/13/2006	3/14/2006	\$ 50,851.96	446,884	29	15,410	\$ 1,753.52	\$ 0.1138
MAR	3/14/2006	4/16/2006	\$ 50,776.86	486,989	33	14,757	\$ 1,538.69	\$ 0.1043
APR	4/16/2006	5/14/2006	\$ 44,772.51	406,315	28	14,511	\$ 1,599.02	\$ 0.1102
MAY	5/15/2006	6/14/2006	\$ 59,952.97	486,151	30	16,205	\$ 1,998.43	\$ 0.1233
APR	3/14/2008	4/14/2008	\$ 48,138.58	521,895	31	16,835	\$ 1,552.86	\$ 0.0922
MAY	4/15/2008	5/13/2008	\$ 47,328.39	505,972	28	18,070	\$ 1,690.30	\$ 0.0935
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AVG			\$ 50,303.55	475,701		15,965	\$ 1,688.80	AVG
MAX			\$ 59,952.97	521,895		18,070	\$ 1,998.43	MAX
MIN			\$ 44,772.51	406,315		14,511	\$ 1,538.69	MIN
TOTAL			\$ 301,821.27	2,854,205		95,789	\$ 10,132.82	TOTAL

2 Basins KWH	630,882
1 Basin KWH	475,701
Difference	155,181 K/W per month
Diff X .14	\$ 21,725.40 Cost Subtotal
Cost Subtotal X 10%	\$ 2,172.54
Final Total	\$ 23,897.94

21.021 2 Basins KWH/day
15.965 1 Basin KWH/day
5.056 K/W per day (2 Basins - 1 Basin)
151,687 K/W per month
21,236.14 Cost per month

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B-4

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400 N. Richey Street  
Pasadena, Texas 77506  
Tel. 713.473.0013  
Fax. 713.472.5668

City of Pasadena  
Department of Public Works  
Attn.: Mr. Robin Green

May 26, 2009

Dear Robin:

US Oil Recovery LP (USOR) has contracted with its affiliate MCC Recycling LLP ("MCC") to further process its pretreated industrial water for biological treatment in order to reduce the level of organic compounds at the Old Vince Bayou waste water treatment plant, located at 200 North Richey Street in Pasadena. MCC provides these services to USOR on a tolling basis.

As part of this arrangement USOR has relocated the discharge point for its waste water to the City of Pasadena from 400 North Richey Street to 200 North Richey Street. I would appreciate it if the City of Pasadena would amend the Waste Water Treatment Agreement between USOR and the City of Pasadena and the related Discharge Permit to reflect the change of discharge location, as described herein.

I appreciate your assistance in this matter.

Regards

US Oil Recovery LP

A handwritten signature in black ink, appearing to read 'Genssler', written over a horizontal line.

By: \_\_\_\_\_  
Klaus Genssler, President

Attachments



400 N. Richey Street  
Pasadena, Texas 77506  
Tel. 713.473.0013  
Fax. 713.472.5668

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Taxable Entity Search Results

## Franchise Tax Certification of Account Status

**This Certification Not Sufficient for Filings with Secretary of State**

Do **not** include a certificate from this Web site as part of a filing with the Secretary of State for dissolution, merger, withdrawal, or conversion. The Secretary of State will reject a filing that uses the certification from this site.

To obtain a certificate that is sufficient for dissolution, merger, or conversion, see Publication 98-336d, Requirements to Dissolve, Merge or Convert a Texas Entity.

**Certification of Account Status****Officers And Directors Information**

Entity Information:

**MCC RECYCLING LLP**  
400 N RICHEY ST  
PASADENA, TX 77506-1061

Status:

**TEMPORARY GOOD STANDING**  
**through July 14, 2009**

Registered Agent:

Not on file

Registered Agent Resignation Date:

State of Formation:

TX

File Number:

0028089680

SOS Registration Date:

Not Registered

Taxpayer Number:

32036812298

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Taxable Entity Search Results

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To obtain a certificate that is sufficient for dissolution, merger, or conversion, see Publication 98-336d, Requirements to Dissolve, Merge or Convert a Texas Entity.

**Certification of Account Status****Officers And Directors Information**

Entity Information:

**GENSSLER ENVIRONMENTAL  
HOLDINGS, LLC**  
26 FARNHAM PARK DR  
HOUSTON, TX 77024-7501

Status:

**TEMPORARY GOOD STANDING  
through July 14, 2009**

Registered Agent:

**KLAUS GENSSLER**  
26 FARNHAM PARK DRIVE  
HOUSTON, TX 77024

Registered Agent Resignation Date:

State of Formation:

File Number:

0800404928

SOS Registration Date:

October 21, 2004

Taxpayer Number:

32016058441

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Taxable Entity Search Results

## Franchise Tax Certification of Account Status

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To obtain a certificate that is sufficient for dissolution, merger, or conversion, see Publication 98-336d, Requirements to Dissolve, Merge or Convert a Texas Entity.

**Certification of Account Status****Officers And Directors Information**

Entity Information:

**GENSSLER INVESTMENTS, LP**  
26 FARNHAM PARK DR  
HOUSTON, TX 77024-7501

Status:

**IN GOOD STANDING - EXEMPT  
CORPORATION**

Registered Agent:

**KLAUS GENSSLER**  
26 FARNHAM PARK DR.  
SPRING VALLEY, TX 77024

Registered Agent Resignation Date:

State of Formation:

File Number:

0800407469

SOS Registration Date:

October 27, 2004

Taxpayer Number:

32035516403

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Taxable Entity Search Results

## Franchise Tax Certification of Account Status

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To obtain a certificate that is sufficient for dissolution, merger, or conversion, see Publication 98-336d, Requirements to Dissolve, Merge or Convert a Texas Entity.

**Certification of Account Status****Officers And Directors Information**

## Entity Information:

**US OIL RECOVERY LLP**

400 N RICHEY ST  
PASADENA, TX 77506-1061

## Status:

**TEMPORARY GOOD STANDING**  
**through July 14, 2009**

## Registered Agent:

Not on file

## Registered Agent Resignation Date:

## State of Formation:

## File Number:

0036546580

## SOS Registration Date:

Not Registered

## Taxpayer Number:

18303534657

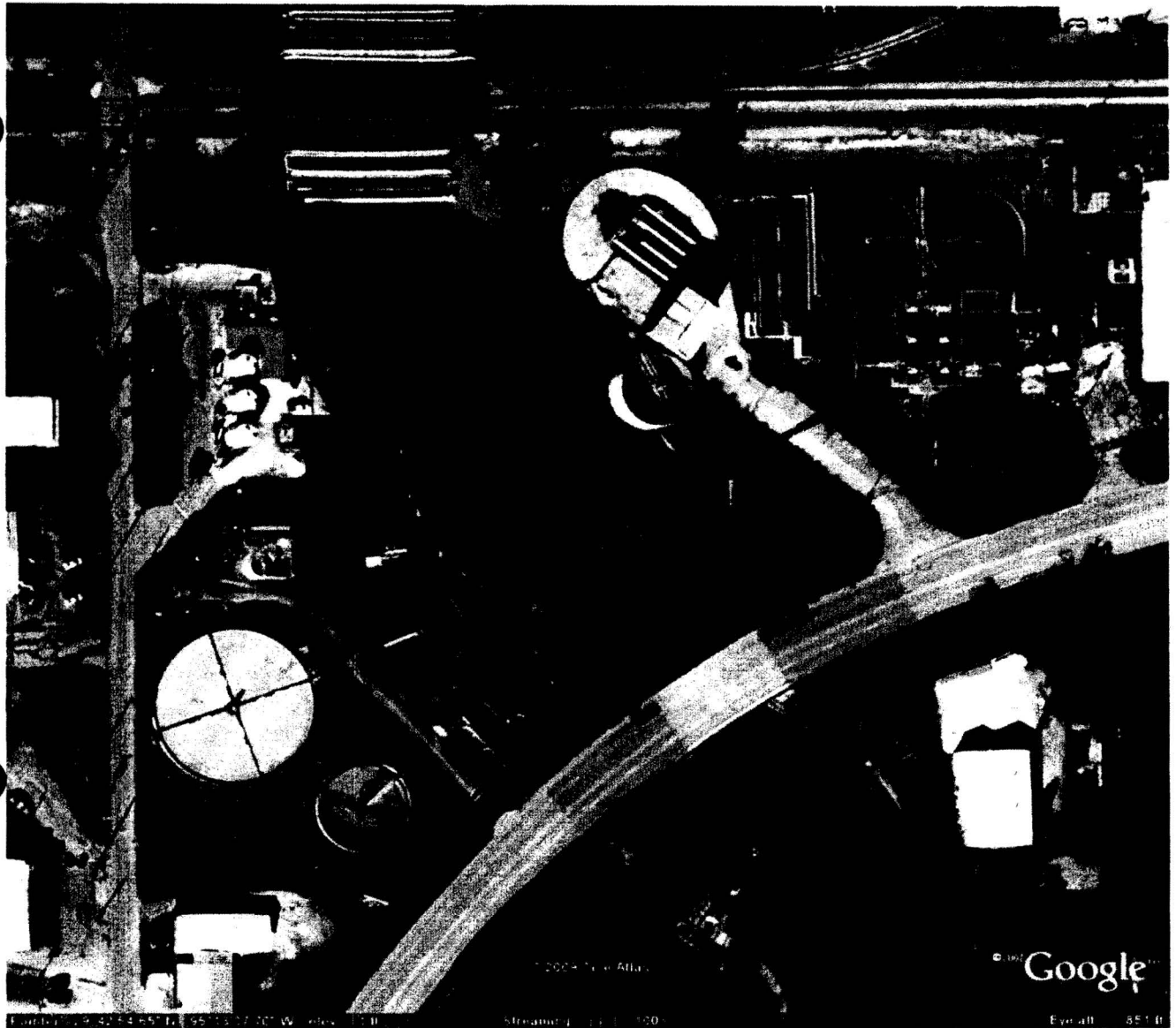
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Google

Latitude: 42° 43' 45" N Longitude: 70° 10' 10" W

Stream: 100

Eye alt: 85 ft

B-7

The following map(s) are too  
large to reduce.

Please see the original in the:

Harris County EPH-Pasadena  
[REDACTED] Files [REDACTED]

C-1

---

TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY

&gt;&gt; Questions or Comments

[Customer Search](#) [RE Search](#) [ID Search](#) [Search Results](#) [Report Data Errors](#) [TCEQ Home](#)**Central Registry Query - Regulated Entity Information****Regulated Entity Information****RN Number:** RN105684302**Name:** MCC RECYCLING**Primary Business Description:** No primary business description on file.**Location Information****Street Address:** 200 RICHEY ST, PASADENA TX 77506 1802**County:** HARRIS**Nearest City:** PASADENA**State:** TX**Near ZIP Code:** 77506**Physical Location:** No physical location description on file.**Affiliated Customers - Current**

Your Search Returned 2 Current Affiliation Records (View History)

**1-2 of 2 Records**

CN Number	Customer Name	Customer Role	Details
CN603445016	MCC RECYCLING LLP	OWNER OPERATOR	
CN603445016	MCC RECYCLING LLP	BILLING	

**Industry Type Codes**

Code	Classification	Name	Primary
56292	NAICS	Materials Recovery Facilities	Y
4953	SIC	Refuse Systems	Y

**Program Interests**

Program	ID Type	ID Number	ID Status
USED OIL	REGISTRATION	A85958	ACTIVE
WASTE WATER GENERAL PERMIT	PERMIT	TXG341618	CANCELLED

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## Central Registry Query

### CN603445016 Affiliation with RN105684302

#### Customer Information

**CN Number:** CN603445016  
**Name:** MCC RECYCLING LLP  
**Legal Name:** MCC Recycling LLP  
**Customer Type:** OTHER  
**Mailing Address:** 6363 WOODWAY DR STE 1125  
HOUSTON, TX 77057 1758

#### Affiliation Information

**Customer's Role:** OWNER OPERATOR  
**Begin Date:**  
**End Date:**

#### Regulated Entity Information

**RN Number:** RN105684302  
**Name:** MCC RECYCLING  
**Primary Business Description:** No primary business description on file.  
**Mailing Address:** No regulated entity mailing address on file.

#### Location Information

**Street Address:** 200 RICHEY ST, PASADENA TX 77506 1802  
**County:** HARRIS  
**Nearest City:** PASADENA  
**State:** TX  
**Near ZIP Code:** 77506  
**Physical Location:** No physical location description on file.

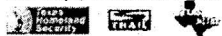
#### Industry Type Codes

Code	Classification	Name	Primary
56292	NAICS	Materials Recovery Facilities	Y
4953	SIC	Refuse Systems	Y

#### Program Interests

Program	ID Type	ID Number	ID Status
USED OIL	REGISTRATION	A85958	ACTIVE
WASTE WATER GENERAL PERMIT	PERMIT	TXG341618	CANCELLED

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Regulated Entity Detail			
Regulated Entity Name:	MCC RECYCLING		RN: RN105684302
Status:	Active	Status Comment:	
Physical Address:	200 RICHEY ST PASADENA, TX 77506-1802		County: HARRIS
Physical Location:			
Nearest City:	PASADENA	State: TX	Zip Code: 77508
Latitude:	29° 42 min 9 sec (29.702500)		Longitude: 95° 13 min 2 sec (-95.217222)

1-2 of 2 Records

Affiliated Customers						<a href="#">List All</a>	
CN Number	Customer	Mailing Address (Type)	Role	Begin Date	End Date	RE Comp Hist	
CN603445018	MCC RECYCLING LLP	8363 WOODWAY DR STE 1125 HOUSTON TX 77067 1758 (C)	OWNER OPERATOR	01/1/1800	12/31/3000	N/A	
CN603445018	MCC RECYCLING LLP	8363 WOODWAY DR STE 1125 HOUSTON TX 77067 1758 (C)	BILLING	04/15/2009	12/31/3000	N/A	

0 Records

Electronic Communications			Regulated Entity		
CN Number	Customer Name		Phone	Fax	Email

1-3 of 3 Records

Program Interests								
Program	RE Type	ID Type	Addn ID	Addn ID Status	Alt RE Name	Role	Customer Name	CN
USED OIL	SITE	REGISTRATION	A86008	ACTIVE		OWNER OPERATOR	MCC RECYCLING LLP	CN603445018
WASTE WATER GENERAL PERMIT	SITE	PERMIT	TXG341818	ACTIVE		BILLING	MCC RECYCLING LLP	CN603445018
WASTE WATER GENERAL PERMIT	SITE	PERMIT	TXG341818	ACTIVE		OWNER OPERATOR	MCC RECYCLING LLP	CN603445018

2 Records

Industry Types			
Classification System	Code	Name	Primary Flag
SIC	4053	Refuse Systems	Y
NAICS	56202	Materials Recovery Facilities	Y

7 Records

Site Classifications			
Program	Site Classification	Begin Date	End Date
USED OIL	MARKETERS	01/1/1800	12/31/3000
USED OIL	USED OIL FILTER HANDLER	01/1/1800	12/31/3000
USED OIL	USED OIL FILTER PROCESSOR	01/1/1800	12/31/3000
USED OIL	USED OIL FILTER STORAGE	01/1/1800	12/31/3000
USED OIL	USED OIL HANDLER	01/1/1800	12/31/3000
USED OIL	USED OIL PROCESSOR	01/1/1800	12/31/3000
WASTE WATER GENERAL PERMIT	PETROLEUM BULK STATIONS & TERMINALS	01/1/1800	12/31/3000

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<b>Customer Detail</b>		<b>No Prior Names</b>	
Customer Name:	MCC RECYCLING LLP	CN:	CN603445016
Customer Legal Name:	MCC Recycling LLP	Customer Type:	OTHER
Customer Status:	ACTIVE	Status Comment:	
Federal Tax Id:	203681229	State Franchise Tax Id:	
DUNS Number:		SOS Filing No:	801090146
Compliance Class:		Compliance Rating:	
Independently Owned:		Publication Date:	
		Number Employees:	0-20

1-2 of 2 Records

<b>Affiliated Regulated Entities</b>			<b>List All</b>
<b>RN Number</b>	<b>Regulated Entity Name</b>	<b>Mailing Address (Type)</b>	<b>Role</b>
RN105684302	MCC RECYCLING	8363 WOODWAY DR STE 1125 HOUSTON TX 77057 1758 (C)	BILLING
RN105684302	MCC RECYCLING	8363 WOODWAY DR STE 1125 HOUSTON TX 77057 1758 (C)	OWNER OPERATOR

1 Records

<b>Electronic Communications</b>		<b>Customer</b>		
<b>RN Number</b>	<b>Regulated Entity Name</b>	<b>Phone</b>	<b>Fax</b>	<b>Email</b>
RN105684302	MCC RECYCLING	(713) 620-0243	(713) 244-3786	

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Regulated Entity Detail			
Regulated Entity Name:	US OIL RECOVERY		RN: RN100604877
Status:	Active	Status Comment:	
Physical Address:	400 N RICHEY ST PASADENA, TX 77506-1061		County: HARRIS
Physical Location:	400 N RICHEY ST, PASADENA, TX JUST N OF STATE HWY 225 1 BLOCK N OF SHAW		
Nearest City:	PASADENA	State: TX	Zip Code: 77506
Latitude:	29° 50 min 36 sec (29.843200)		Longitude: 95° 26 min 24 sec (-95.440000)

1-7 of 7 Records

Affiliated Customers							List All
CN Number	Customer	Mailing Address (Type)	Role	Begin Date	End Date	RE Comp Hist	
CN800314216	NORTH RICHEY STREET SITE	301 S 9TH ST RICHMOND TX 77489 3448 (RE)	OWNER OPERATOR	11/22/2002	12/31/3000	AVG	
CN801451018	US OIL RECOVERY LLC	400 N RICHEY ST PASADENA TX 77506 1061 (C)	BILLING	01/4/2006	12/31/3000	N/A	
CN801451018	US OIL RECOVERY LLC	400 N RICHEY ST PASADENA TX 77506 1061 (RE)	BILLING	01/4/2006	12/31/3000	N/A	
CN801451018	US OIL RECOVERY LLC	400 N RICHEY ST PASADENA TX 77506 1061 (C)	OWNER OPERATOR	06/16/2003	12/31/3000	AVG	
CN801451018	US OIL RECOVERY LLC	400 N RICHEY ST PASADENA TX 77506 1061 (RE)	OWNER OPERATOR	06/16/2003	12/31/3000	AVG	
CN802842734	US OIL RECOVERY LP	400 N RICHEY ST PASADENA TX 77506 1061 (RE)	OWNER OPERATOR	06/25/2006	12/31/3000	AVG	
CN802842734	US OIL RECOVERY LP	400 N RICHEY ST PASADENA TX 77506 1061 (C)	OWNER OPERATOR	06/25/2006	12/31/3000	AVG	

5 Records

Electronic Communications		Regulated Entity		
CN Number	Customer Name	Phone	Fax	Email
CN801451018	US OIL RECOVERY LLC	(713) 473-0013	(713) 472-6668	
CN801451018	US OIL RECOVERY LLC	(713) 473-0013	(713) 674-9990	
CN801451018	US OIL RECOVERY LLC	(713) 674-9211	(713) 472-6668	
CN801451018	US OIL RECOVERY LLC	(713) 674-9211	(713) 674-9990	
CN802842734	US OIL RECOVERY LP	(713) 473-0013	(713) 472-6668	Hsuag@usoilrecovery.com

1-27 of 27 Records

Program Interests								
Program	RE Type	ID Type	Addn ID	Addn ID Status	Alt RE Name	Role	Customer Name	CN
BW CORRECTIVE ACTION	SITE	SOLID WASTE REGISTRATION # (BWR)	52123	ACTIVE	NORTH RICHEY STREET SITE PASADENA	OWNER OPERATOR	NORTH RICHEY STREET SITE	CN800314216
BW CORRECTIVE ACTION	SITE				NORTH RICHEY STREET SITE PASADENA			
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SITE	EPA ID	TXR000051540	ACTIVE	US OIL RECOVERY	BILLING	US OIL RECOVERY LLC	CN801451018
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SITE	EPA ID	TXR000051540	ACTIVE	US OIL RECOVERY	OWNER OPERATOR	US OIL RECOVERY LLC	CN801451018
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SITE	SOLID WASTE REGISTRATION # (BWR)	52123	ACTIVE	US OIL RECOVERY	BILLING	US OIL RECOVERY LLC	CN801451018
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SITE	SOLID WASTE REGISTRATION # (BWR)	52123	ACTIVE	US OIL RECOVERY	OWNER OPERATOR	US OIL RECOVERY LLC	CN801451018
INDUSTRIAL AND	SITE	PERMIT	52123	ACTIVE				

HAZARDOUS WASTE PROCESSING								
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	SITE				US OIL RECOVERY			
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	SITE	PERMIT	WQG800000	ACTIVE				
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	SITE							
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	SITE				US OIL RECOVERY			
MUNICIPAL SOLID WASTE DISPOSAL	SITE	PERMIT	2331	ACTIVE				
MUNICIPAL SOLID WASTE DISPOSAL	SITE	PERMIT	2336	ACTIVE				
MUNICIPAL SOLID WASTE DISPOSAL	SITE							
MUNICIPAL SOLID WASTE PROCESSING	SITE	PERMIT	2331	CANCELLED	WILL REVOKE SOON 4/7/08 EOY	OWNER OPERATOR	US OIL RECOVERY LLC	CN601451018
MUNICIPAL SOLID WASTE PROCESSING	SITE	PERMIT	2336	WITHDRAWN	WILL REVOKE SOON 4/7/08 EOY	OWNER OPERATOR	US OIL RECOVERY LLC	CN601451018
MUNICIPAL SOLID WASTE PROCESSING	SITE	REGISTRATION	40202	CANCELLED	WILL REVOKE SOON 4/7/08 EOY	OWNER OPERATOR	US OIL RECOVERY LLC	CN601451018
MUNICIPAL SOLID WASTE PROCESSING	SITE	REGISTRATION	43020	ACTIVE	WILL REVOKE SOON 4/7/08 EOY	BILLING	US OIL RECOVERY LLC	CN601451018
MUNICIPAL SOLID WASTE PROCESSING	SITE				US OIL RECOVERY LLC - PASADENA			
USED OIL	SITE	EPA ID	TXR000051540	ACTIVE	US OIL RECOVERY LLC - PASADENA	BILLING	US OIL RECOVERY LLC	CN601451018
USED OIL	SITE	EPA ID	TXR000051540	ACTIVE	US OIL RECOVERY LLC - PASADENA	OWNER OPERATOR	US OIL RECOVERY LP	CN602842734
USED OIL	TRANSPORTER	REGISTRATION	A85784	ACTIVE	US OIL RECOVERY LLC - PASADENA	BILLING	US OIL RECOVERY LLC	CN601451018
USED OIL	TRANSPORTER	REGISTRATION	A85784	ACTIVE	US OIL RECOVERY LLC - PASADENA	OWNER OPERATOR	US OIL RECOVERY LP	CN602842734
USED OIL	SITE				US OIL RECOVERY LLC - PASADENA			
USED OIL	TRANSPORTER				US OIL RECOVERY LLC - PASADENA			
WASTEWATER	SITE	EPA ID	TX0131688	ACTIVE		OWNER OPERATOR	US OIL RECOVERY LP	CN602842734
WASTEWATER	SITE	PERMIT	WQ0004884000	ACTIVE		OWNER OPERATOR	US OIL RECOVERY LP	CN602842734

4 Records

Industry Types			
Classification System	Code	Name	Primary Flag
SIC	4213	Trucking	N
SIC	4953	Refuse Systems	Y
NAICS	484121	General Freight Trucking	N
NAICS	562292	Materials Recovery Facilities	Y

18 Records

Site Classifications			
Program	Site Classification	Begin Date	End Date
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	CESQG DODDOE	01/1/1800	12/31/3000
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR	01/1/1800	12/31/3000
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	LARGE QUANTITY GENERATOR	01/1/1800	12/31/3000
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	WASTEWATER TREATMENT PLANT	01/1/1800	12/31/3000
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	CONTAINER STORAGE AREA	01/1/1800	12/31/3000
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	MISCELLANEOUS STORAGE CONTAINERS	01/1/1800	12/31/3000
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	SUMP	01/1/1800	12/31/3000
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	TANK	01/1/1800	12/31/3000
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	WASTE PILE	01/1/1800	12/31/3000
MUNICIPAL SOLID WASTE PROCESSING	GREASE & GRIT TRAP FACILITY	01/1/1800	12/31/3000

MUNICIPAL SOLID WASTE PROCESSING	LIQUID TRANSFER STATION	01/1/1800	12/31/3000
USED OIL	MARKETERS	01/1/1800	12/31/3000
USED OIL	USED OIL FILTER PROCESSOR	01/1/1800	12/31/3000
USED OIL	USED OIL FILTER STORAGE	01/1/1800	12/31/3000
USED OIL	USED OIL FILTER TRANSPORTER	01/1/1800	12/31/3000
USED OIL	USED OIL PROCESSOR	01/1/1800	12/31/3000
USED OIL	USED OIL TRANSFER FACILITY	01/1/1800	12/31/3000
USED OIL	USED OIL TRANSPORTER	01/1/1800	12/31/3000

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Customer Detail				No Prior Names	
Customer Name:		US OIL RECOVERY LP		CN:	CN602842734
Customer Legal Name:		U.S. Oil Recovery, L.P.		Customer Type:	PARTNERSHIP
Customer Status:		ACTIVE	Status Comment:		
Federal Tax Id:		912018559		State Franchise Tax Id:	19120185590
DUNS Number:		118995823		SOS Filing No:	800409949
Compliance Class:		AVERAGE	Compliance Rating:		6.3
			Publication Date:		Oct 1, 2008
Independently Owned:		N		Number Employees:	0-20

1-2 of 2 Records

Affiliated Regulated Entities				<a href="#">List All</a>
RN Number	Regulated Entity Name	Mailing Address (Type)	Role	
RN100904877	US OIL RECOVERY	400 N RICHIE ST PASADENA TX 77806 1061 (C)	OWNER OPERATOR	
RN100904877	US OIL RECOVERY	400 N RICHIE ST PASADENA TX 77806 1061 (RE)	OWNER OPERATOR	

1 Records

Electronic Communications		Customer		
RN Number	Regulated Entity Name	Phone	Fax	Email
RN100904877	US OIL RECOVERY	(713) 473-0013	(713) 473-6858	klauag@usoilrecovery.com

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 This page was last modified: December 9, 2008

C-2



US Oil Recovery LP  
400 North Richey Street  
Pasadena, Texas 77506  
Attn.: Mr. Klaus Genssler

June 1, 2009

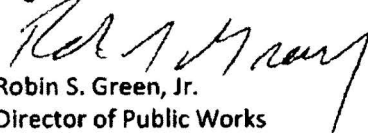
Dear Mr. Genssler

We understand that the 200 North Richey facility has water received from the 400 North Richey facility and stored in a number of different tanks. We understand that USOR would like to resume discharge to the City of Pasadena of processed water from the 200 North Richey facility and confirm that USOR has a discharge permit with the City of Pasadena. Since all the phases of construction to pre-treat the flows at the Vince Bayou Facility is not accomplished, the City will accept wastewater from USOR on a batch basis under the following conditions:

- A tank is identified by USOR as ready for discharge and the inflow line to the tank is closed and sealed under the control of City staff,
- A sample is taken from the tank and analyzed for TOC and phenol at an independent laboratory (e.g. Test America),
- Based on the results of this sample, a discharge rate will be determined and USOR will be allowed to begin discharging. When the tank is empty discharge will cease. The process can then be repeated.
- Also, the discharge will not be accepted during heavy rains and any mechanical breakdowns at our New Vince Bayou Wastewater Treatment Plant.

Under the conditions described above, USOR is herewith authorized to discharge water from the 200 North Richey facility to the City of Pasadena.

Regards

  
Robin S. Green, Jr.  
Director of Public Works

C-3

IHW020

\*\*\* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY \*\*\*  
Notice of Registration  
Industrial and Hazardous Waste

Page: 1  
Date: 05/22/09

52123 US Oil Recovery LP

Solid Waste Registration Number: 52123 EPA Id: TXR000051540

Company Name: US Oil Recovery LP	Region: 12	Initial Registration Date: 07/22/1992
Site Name: US Oil Recovery	County: 101 Harris	Last Amendment Date: 04/01/2009
Site Location: 400 N Richey Street, Pasadena, TX	Land Type: Private	Last Date NOR Computer update: 04/07/2009
Primary Contact: Genssler, Klaus	Title: President	Phone: 713-473-0013
Mailing Address: 400 N Richey St	Site Street Address: 400 N Richey Street	
Pasadena, TX 77506-1061	Pasadena, TX 77506-1061	Reporting Method: STEERS
Registration Status: Active	HW Permit #: 52123	
Registration Type: Generator	Receiver	Transfer Facility
Generator Type: Industrial		Hazardous Waste Generation Status: Large Quantity Generator

Business Description: Waste oil and wastewater processor. Wastewater Permit exemption with Receiver reporting requirement. tb

NAICS Code: 484121 General Freight Trucking, Long-Distance, Truckload  
Handler Status:

Operator Information  
Name: US Oil Recovery LLC  
Phone: 713-473-0013  
Address: 400 N Richey Street  
Pasadena, TX, 77506-

Owner Information  
Name: US Oil Recovery LLC  
Phone: 713-473-0013  
Address: 400 N Richey Street  
Pasadena, TX, 77506-

Billing Contact:  
Billing Address: ATTN: Accounts Payable  
400 N Richey St  
Pasadena, TX 77506

Title: Phone:

Other Contact: WISE, JAMES  
Mailing Address: 400 N Richey St  
Pasadena, TX 77506

Role: Environmental Manager Phone: 713-473-0013

Other Contact: Starustha, Tom  
Mailing Address: 400 N Richey St  
Pasadena, TX 77506

Role: STEERS Contact Phone: 713-473-0013

As of 04/01/2009 - the next unassigned sequence number for WASTES is 0014 and  
the next unassigned sequence number for UNITS is 027.



\*\*\* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY \*\*\*  
Notice of Registration  
Industrial and Hazardous Waste

52123 US Oil Recovery LP

## \*\*\*\* WASTE INFORMATION \*\*\*\*

Texas Waste Class Code	Status	Date of Status	Managed Onsite/Offsite	Radio-active	TCEQ Audit Complete
------------------------	--------	----------------	------------------------	--------------	---------------------

## \*\*\*\*\* Active Wastes \*\*\*\*\*

---

00024091 1	Active	12/13/03	On	No	No
Description from Generator: Bulking/solidification of Class 1 organic wastes					
Texas Form Code: 409 Other non-halogenated organic solids					
Current Management Units: Tank 002 008					
Misc Store Container 004					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): CLASS 1 ORGANIC SOLI					

---

00033191 1	Active	12/13/03	On	No	No
Description from Generator: Bulking/solidification of oily wastes					
Texas Form Code: 319 Other waste inorganic solids					
Current Management Units: Tank 002					
Misc Store Container 004					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): CLASS 1 OILY SOLIDS					

---

00054092 2	Active	12/13/03	On	No	No
Description from Generator: Grease and grit trap solids from shaker screen operation					
Texas Form Code: 409 Other non-halogenated organic solids					
Current Management Units: Tank 002					
Misc Store Container 004					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): GREASE GRIT SOLIDS					

---

00061011 1	Active	12/13/03	On	No	No
Description from Generator: Low solid Class 1 organic waste					
Texas Form Code: 101 Aqueous waste with low solvents					
Current Management Units: Sump 009					
Tank 005 008					
WWTP 003 006					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): CLASS 1 ORGANIC					

---

00071131 1	Active	12/13/03	On	No	No
Description from Generator: High solids Class 1 organic waste					
Texas Form Code: 113 Other aqueous waste with high dissolved solids					
Current Management Units: Tank 002 005					
Contain Store Area 001					
WWTP 003 006					
Misc Store Container 004					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): CLASS 1 ORGANIC					

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\*\*\* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY \*\*\*  
Notice of Registration  
Industrial and Hazardous WastePage: 3  
Date: 05/22/09

S2123 US Oil Recovery LP

Texas Waste Code	Status	Date of Status	Managed Onsite/Offsite	Radio-active	TCEQ Audit Complete
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\*\*\*\*\* Active Wastes \*\*\*\*\*

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00082051 1	Active	12/13/03	On	No	No
Description from Generator: Class 1 oily water					
Texas Form Code: 205 Oil-water emulsion or mixture					
Current Management Units: Sump 009					
WWTP 003 006					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): CLASS 1 OILY WATER					

---

00091012 2	Active	12/13/03	On	No	No
Description from Generator: Water from laboratory sink					
Texas Form Code: 101 Aqueous waste with low solvents					
Current Management Units: Sump 009					
WWTP 003 006					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): LABORATORY WATER					

---

00101012 2	Active	12/13/03	On	No	No
Description from Generator: Class 2 process water from treatment of oily water					
Texas Form Code: 101 Aqueous waste with low solvents					
Current Management Units: Sump 009					
Tank 008					
WWTP 003 006					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): CLASS 2 PROCESS WATE					

---

00111012 2	Active	12/13/03	On	No	No
Description from Generator: Decant from grease trap operation					
Texas Form Code: 101 Aqueous waste with low solvents					
Current Management Units: WWTP 003 006					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): GREASE TRAP DECANT					

---

00121012 2	Active	12/13/03	On	No	No
Description from Generator: Class 2 organic water					
Texas Form Code: 101 Aqueous waste with low solvents					
Current Management Units: Tank 005 008					
WWTP 003 006					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): CLASS 2 ORGANIC					

---

00132192 2	Active	09/23/04	On	No	No
Description from Generator: waste glycerin					
Texas Form Code: 219 Other organic liquids					
Current Management Units: Tank 005					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): WASTE GLYCERIN					

---

\* The first value is considered the primary value (e.g. primary origin code).  
As of 04/01/2009, the next unassigned sequence number for WASTES is 0014.

Refer to 40 CFR Part 261 for Descriptions of EPA Hazardous Waste Numbers.

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\*\*\* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY \*\*\*  
Notice of Registration  
Industrial and Hazardous Waste

Page: 4  
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Texas Waste Code	Waste Class	Status	Date of Status	Managed Onsite/ Offsite	Radio- active	TCEQ Audit Complete
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\*\* No Longer Generated Wastes \*\*

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00049992 2	Inactive	03/23/04	NA	No	Yes
Description from Generator: Uncontaminated plant trash					
Texas Form Code: 999 Plant Refuse					
Current Management Units: Misc Store Container 004					
* Origin Codes: 3 From non-haz waste mgmt					
Company's Internal Code(s): PLANT TRASH					

---

\* The first value is considered the primary value (e.g. primary origin code).  
As of 04/01/2009, the next unassigned sequence number for WASTES is 0014.

\*\*\* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY \*\*\*  
 Notice of Registration  
 Industrial and Hazardous Waste

52123 US Oil Recovery LP

## \*\*\*\* UNITS AT THIS SITE MANAGING WASTE \*\*\*\*

Unit Number	Unit Type	Unit Status	Date of Status	Classes of Waste Managed in Unit Onsite / Offsite	Unit Permit Number	Unit # Permit	Regulatory Status	Deed Recording Needed/Date
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\*\* 'Active', 'Closure Pending' &amp; 'Closure Request' Units \*\*

001	Contain Store Area	Active	11/04/03	1/1 2 H NISW	001	001	Permitted Nonhazardous Industrial Unit	NA /
Description from Company: Covered Warehouse (HW-1). Capacity 150 Drums.								
Capacity: 91960.0000 Capacity Unit of Measure: G								
System Types: 141 Storage, bulking, and/or transfer off-site - no tr								
Biennial System Regulatory Status: Regulatory status unknown								
Wastes Currently Managed in Unit: 00071131 High solid								

002	Tank	Active	11/07/03	1 2/1 2 NISW	002	002	Permitted Nonhazardous Industrial Unit	NA /
Description from Company: C-50 Decanter Effluent Tank								
Capacity: 1380.0000 Capacity Unit of Measure: Y								
System Types: 101 Sludge treatment								
Biennial System Regulatory Status: Regulatory status unknown								
Wastes Currently Managed in Unit: 00024091 Bulking/so 00033191 Bulking/so 00054092 Grease and 00071131 High solid								

003	WWTP	Active	12/13/03	1 2/1 2 NISW	NA	NA	RCRA Pmt Exempt-Other	NA /
Description from Company: Laboratory sink								
Capacity: 5.0000 Capacity Unit of Measure: G								
System Types: 135 Discharge to sewer/POTW or NPDES (with prior stora								
Wastes Currently Managed in Unit: 00061011 Low solid 00071131 High solid 00082051 Class 1 oi 00091012 Water from 00101012 Class 2 pr 00111012 Decant fro 00121012 Class 2 or								

004	Misc Store Container	Active	12/13/03	1 2/1 2 NISW	NA	NA	RCRA Pmt Exempt-Other	NA /
Description from Company: Miscellaneous rolloff boxes								
Capacity: 120.0000 Capacity Unit of Measure: Y								
System Types: 101 Sludge treatment								
Biennial System Regulatory Status: Regulatory status unknown								
Wastes Currently Managed in Unit: 00024091 Bulking/so 00033191 Bulking/so 00049992 Uncontamin 00054092 Grease and 00071131 High solid								

005	Tank	Active	12/13/03	1 2/1 2 NISW	NA	003	Permitted Nonhazardous Industrial Unit	NA /
Description from Company: C-46 Industrial Class I & II Shaker Tank								
Capacity: 6792.0000 Capacity Unit of Measure: G								
System Types: 129 Other treatment								
Biennial System Regulatory Status: Regulatory status unknown								
Wastes Currently Managed in Unit: 00061011 Low solid 00071131 High solid 00121012 Class 2 or 00132192 waste glyc								

006	WWTP	Active	01/21/04	1 2/1 2 H NISW	NA	NA	RCRA Pmt Exempt-W.W.T.	NA /
Description from Company: TANK FARM								
Capacity: 325200.0000 Capacity Unit of Measure: G								
System Types: 135 Discharge to sewer/POTW or NPDES (with prior stora								
Wastes Currently Managed in Unit: 00061011 Low solid 00071131 High solid 00082051 Class 1 oi 00091012 Water from 00101012 Class 2 pr 00111012 Decant fro 00121012 Class 2 or								

\*\*\* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY \*\*\*  
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52123 US Oil Recovery LP

Unit Number	Unit Type	Unit Status	Date of Status	Classes of Waste Managed in Unit	Unit Permit Number	Unit # on Permit	Regulatory Status	Deed Recording Needed/Date
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\*\* 'Active', 'Closure Pending' & 'Closure Request' Units \*\*

007	WWTP	Active	08/25/06	/1 2	NA	NA	RCRA Pmt Exempt-W.W.T.	NA /
-----	------	--------	----------	------	----	----	------------------------	------

Description from Company: Oily water clarification process equipment  
 Capacity: 15000.0000 Capacity Unit of Measure: G

System Types: 071 Chemical reduction with or without precipitation 101 Sludge treatment  
 123 Settling or clarification

Wastes Currently Managed in Unit:

008	Tank	Active	08/25/06	1 2/1 2 NISW	NA	004	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	--------------	----	-----	--	------

Description from Company: C-42 Decanter Feed Tank  
 Capacity: 14362.0000 Capacity Unit of Measure: G

System Types: 101 Sludge treatment 123 Settling or clarification

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit: 00024091 Bulking/so 00061011 Low solid 00101012 Class 2 pr 00121012 Class 2 or

009	Sump	Active	08/25/06	1 2/1 2 NISW	NA	NA	RCRA Pmt Exempt-W.W.T.	NA /
-----	------	--------	----------	--------------	----	----	------------------------	------

Description from Company: Recieving sump for Oily Waters  
 Capacity: 15000.0000 Capacity Unit of Measure: G

System Types: 129 Other treatment

Wastes Currently Managed in Unit: 00061011 Low solid 00082051 Class 1 oi 00091012 Water from 00101012 Class 2 pr

010	Tank	Active	12/05/07	/1 2 NISW	NA	005	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	-----------	----	-----	--	------

Description from Company: C-34 Industrial Class 1 & 2 Receiving Tank  
 Capacity: 8520.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

011	Tank	Active	12/05/07	/1 2 NISW	NA	006	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	-----------	----	-----	--	------

Description from Company: D-25 Slurry Dryer  
 Capacity: 8275.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

012	Tank	Active	12/05/07	/1 2 NISW	NA	007	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	-----------	----	-----	--	------

Description from Company: C-Digester  
 Capacity: 32795.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

013	Tank	Active	12/05/07	/ NA	NA	008	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	------	----	-----	--	------

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 Industrial and Hazardous Waste

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52123 US Oil Recovery LP

Unit Number	Unit Type	Unit Status	Date of Status	Classes of Waste Managed in Unit Onsite / Offsite	Unit Permit Number	Unit # on Permit	Regulatory Status	Deed Recording Needed/Date
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\*\* 'Active', 'Closure Pending' &amp; 'Closure Request' Units \*\*

Description from Company: C-Equalization Tank

Capacity: 32795.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

014	Tank	Active	12/05/07	/1 2 NISW	NA	009	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	-----------	----	-----	--	------

Description from Company: C-11 Equalization Tank

Capacity: 32795.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

015	Tank	Active	12/05/07	/1 2 NISW		010	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	-----------	--	-----	--	------

Description from Company: C-12 Equalization

Capacity: 32795.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

016	Tank	Active	12/05/07	/1 2 NISW	NA	011	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	-----------	----	-----	--	------

Description from Company: C-29 Filter Press Clearwell

Capacity: 1473.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

017	Tank	Active	12/05/07	/ NA	NA	012	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	------	----	-----	--	------

Description from Company: C-30 Clarifier Clearwell

Capacity: 1473.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

018	Tank	Active	12/05/07	/1 2 NISW	NA	013	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	-----------	----	-----	--	------

Description from Company: C-37 Clarifier

Capacity: 7660.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

019	Tank	Active	12/05/07	/1 2 NISW	NA	014	Permitted Nonhazardous Industrial Unit	NA /
-----	------	--------	----------	-----------	----	-----	--	------

Description from Company: C-39 Water Insoluble BOD Treatment

Capacity: 7162.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

\*\*\* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY \*\*\*  
 Notice of Registration  
 Industrial and Hazardous Waste

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52123 US Oil Recovery LP  
 Unit Unit  
 Number Type

Unit  
 Status

Date of  
 Status

Classes of Waste  
 Managed in Unit  
 Onsite / Offsite

Unit  
 Permit  
 Number

Unit #  
 on  
 Permit

Regulatory  
 Status

Deed Recording  
 Needed/Date

\*\* 'Active', 'Closure Pending' & 'Closure Request' Units \*\*

020 Tank Active 12/05/07 /1 2 NISW NA 015 Permitted Nonhazardous Industrial Unit NA /  
 Description from Company: C-41 Water Insoluble BOD Treatment  
 Capacity: 7162.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

021 Tank Active 12/05/07 /1 2 NISW NA 016 Permitted Nonhazardous Industrial Unit NA /  
 Description from Company: C-48 Industrial Class I & II Receiving  
 Capacity: 10474.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

022 Tank Active 12/05/07 /1 2 NISW NA 017 Permitted Nonhazardous Industrial Unit NA /  
 Description from Company: C-63 Bio Reactor  
 Capacity: 330000.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

023 Tank Active 12/05/07 /1 2 NISW NA 018 Permitted Nonhazardous Industrial Unit NA /  
 Description from Company: C-64 Bio Reactor  
 Capacity: 330000.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

024 Tank Active 12/05/07 /1 2 NISW NA 019 Permitted Nonhazardous Industrial Unit NA /  
 Description from Company: C-65 Bio Reactor  
 Capacity: 330000.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

025 Tank Active 12/05/07 /1 2 NISW NA 020 Permitted Nonhazardous Industrial Unit NA /  
 Description from Company: C-66 Bio Reactor  
 Capacity: 330000.0000 Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

026 Tank Active 12/05/07 /1 2 NISW NA 021 Permitted Nonhazardous Industrial Unit NA /

IHW020

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Industrial and Hazardous Waste

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52123 US Oil Recovery LP  
Unit Unit  
Number Type

Unit  
Status

Date of Classes of Waste  
Status Managed in Unit  
Onsite / Offsite

Unit Unit # Regulatory  
Permit on Status  
Number Permit

Deed Recording  
Needed/Date

\*\* 'Active', 'Closure Pending' & 'Closure Request' Units \*\*

Description from Company: C-67 Clarifier  
Capacity: 75000.0000

Capacity Unit of Measure: G

System Types:

Biennial System Regulatory Status: Regulatory status unknown

Wastes Currently Managed in Unit:

-----  
As of 04/01/2009, the next unassigned sequence number for UNITS is 027.



C-4

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**Guynn, Elizabeth (PHES)**

---

**From:** Wheeler, Jennifer (PHES)  
**Sent:** Tuesday, June 02, 2009 9:33 AM  
**To:** Cahill, Laura (CAO); Hall, Denise (PHES); Owens, Rock (CAO); Emerson, John (PHES); Guynn, Elizabeth (PHES); Allen, Bob (PHES); Barry, Chris F. (PHES); Genz, Nancy (PHES)  
**Subject:** FW: US Oil Recovery - Permit No. 52123

Jennifer L. Wheeler  
Compliance Services Manager  
HCPHES, Environmental Public Health  
713-740-8721 office  
HCPHES.org

-----Original Message-----

**From:** Edgar St James Jr. [mailto:ESTjames@tceq.state.tx.us]  
**Sent:** Monday, June 01, 2009 5:05 PM  
**To:** Wheeler, Jennifer (PHES)  
**Cc:** Carlos Romo; Elizabeth Sears; Jason Ybarra; Nicole Bealle; Rama Yadav; Steve Smith  
**Subject:** RE: Re: US Oil Recovery - Permit No. 52123

Jennifer,

The Permit is site specific, and only applies to USOR at 400 N. Richey. Based on available IHW information, I agree that MCC Recycling is in violation of 335.2(a) for storing waste received from USOR without authorization, and USOR is in violation of 335.2(b) for sending waste to an unauthorized site. However, please contact Steve Smith (713-767-3581) or Beth Sears (713-767-3674) for information on whether MCC Recycling has authorization from Water Quality to store wastewater that I am not aware of.

I will be going to both facilities on Wednesday (June 3) with Water Quality personnel to gather additional information. For your information, an investigator in another Region Office discovered that a local facility was sending a waste stream to USOR that USOR is not authorized to receive according to their permit. I need to look into that situation as well as any other occurrences of USOR accepting waste not authorized by their permit.

Ed St. James, P.G.  
Investigator, Waste Section  
Texas Commission on Environmental Quality Houston-Region 12 Office Phone (713) 767-3638 Fax (713) 767-3646

>>> "Wheeler, Jennifer (PHES)" <JWheeler@hcphe.org> 6/1/2009 3:46 PM  
>>> >>>  
Hi Ed,

We did come up with a couple questions for you. The Permit that you attached, ISWR No. 52123, is that for both sites or is it site specific? If it does not cover both sites then when the new 200 Richey Rd. site is not discharging to a POTW are they in violation of 30 TAC 335.2(a) and then the mother ship at 400 N. Richey in violation of 335.2(b)?

Jennifer L. Wheeler

Compliance Services Manager  
HCPHES, Environmental Public Health  
713-740-8721 office  
HCPHES.org

-----Original Message-----

From: Edgar St James Jr. [mailto:ESTjames@tceq.state.tx.us]  
Sent: Monday, June 01, 2009 11:14 AM  
To: Wheeler, Jennifer (PHES)  
Cc: Carlos Romo; Jason Ybarra; Nicole Bealle  
Subject: Fwd: Re: US Oil Recovery - Permit No. 52123

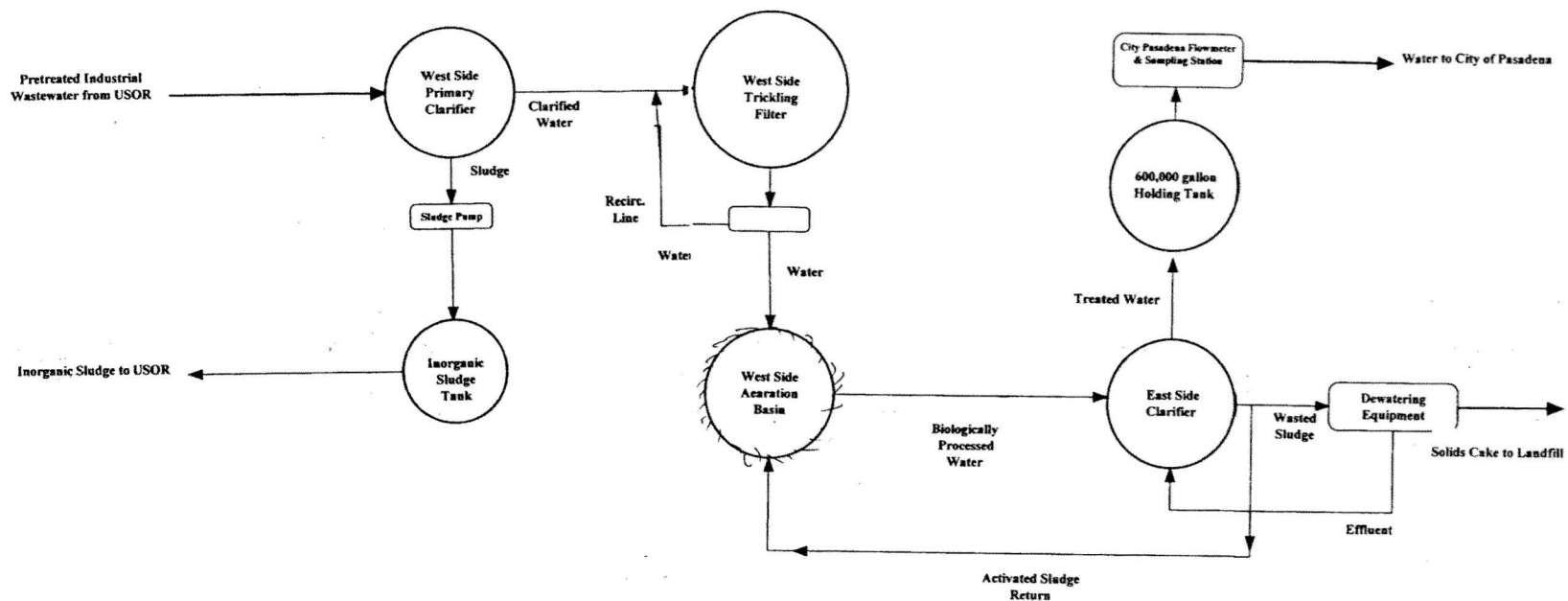
Jennifer,

Nicole Bealle asked me to provide you a copy of the attached email regarding US Oil Recovery's IHW permit. Please give me a call after you receive it. Thanks.

Ed St. James, P.G.  
Investigator, Waste Section  
Texas Commission on Environmental Quality Houston-Region 12 Office Phone (713) 767-3638 Fax  
(713) 767-3646

D-1

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MCC Recycling LLP 200 North Richey Street Pasadena, Texas 77506	
Date:	March 22, 2009
Revision:	3
Title: Old Vince Bayou Plant Phase I Process Flow Diagram	

E-1

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Harris County  
**HCPHES**

Public Health & Environmental Services

**ENVIRONMENTAL PUBLIC HEALTH DIVISION  
SPILL/UNAUTHORIZED DISCHARGE NOTIFICATION**

CONTACT NAME: Danny Moore / James Wise DATE: 5/29/09 TIME: 5:45 AM  
FACILITY NAME: MCC Recycling ID NO.: \_\_\_\_\_  
SITE LOCATION: 200 N. Richey TELEPHONE NO.: 713.473.0013  
TCEQ ACCT NO.: N/A VOICE MAIL: ☒ YES ☐ NO TIME TAKEN OFF: 5:30 AM  
Date/Time of Discovery: 5/28/09 11:00 PM Ongoing: ☐ Yes ☒ No Rate: \_\_\_\_\_  
Event Start Date: 5/28/09 Event end Date: 5/29/09  
Start Time: 11:00 PM End Time: 4:00 AM

☒ Spill to soil ☐ Spill to containment ☒ Spill to water ☒ Unauthorized Discharge

Source of spill/discharge: Clarifier

Physical Location of Release: Area surrounding the clarifier and area leading to the bayou

Receiving Stream: Vince Bayou

Cause of Event: Operator overfilled a gravity feed tank resulting in a spill

Corrective Action: closed valve and vacuumed 3 truck loads

Spill/Discharge Contained: ☐ Yes ☒ No

Air Emissions Associated with Spill: ☒ Yes ☐ No Describe: faint - onsite

SUBSTANCE RELEASED		QUANTITY
1.	Industrial Wastewater	2000 - 3000 gallons
2.		

IMPACTS EXPECTED: ☐ None ☐ On-Site or in facility only ☐ Potential for offsite ☒ Offsite verified

AREA AFFECTED/TYPE OF IMPACT: Vince Bayou / Possible harm to wild life

INJURIES: ☐ YES ☒ NO DESCRIBE: \_\_\_\_\_

SHELTER-IN-PLACE: ☐ YES ☒ NO DESCRIBE: \_\_\_\_\_

EVACUATION: ☐ YES ☒ NO AREA INVOLVED: \_\_\_\_\_

OFFSITE AIR SURVEY CONDUCTED: ☒ YES ☐ NO COMPLAINTS RCVD ☐ YES ☒ NO NUMBER: \_\_\_\_\_

TCEQ CONTACTED: ☐ YES ☒ NO OTHER AGENCIES NOTIFIED: N/A

ADDITIONAL INFORMATION: approx 10% of the spill reached the bayou

☐ NO FURTHER ACTION TAKEN

☐ FOLLOW-UP BY TELEPHONE

☐ EMERGENCY RESPONDER NOTIFIED

TIME: \_\_\_\_\_

REPORT TAKEN BY: N. Cotton

COPIES TO: Field, ER

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P.3  
CASO  
TRORX

www.pearsoned.com

**HARRIS COUNTY, TEXAS**

## 125<sup>th</sup> JUDICIAL DISTRICT

IT IS THEREFORE ORDERED that Harris County's application for Temporary Restraining Order is granted and defendants, U.S. Oil Recovery, L.P., Integrated MCC Solutions, L.L.P. and Genssler Environmental Holdings, LLC are hereby ORDERED to immediately:

**FILED**  
Loren Jackson  
District Clerk

Time: \_\_\_\_\_  
Harris County, Texas  
By \_\_\_\_\_  
Deputy

1. Do all things necessary and appropriate to prevent unauthorized wastewater discharges from the site;
2. Immediately notify Harris County Public Health and Environmental Services, at 713-920-2831 if there are any wastewater discharges;
3. Restrain from bringing in any wastewater to the site at 200 North Richey Road;
4. Maintain a qualified wastewater operator on site 24 hours a day;
5. Seal every vessel, conveyance and outfall, including outfall gates, at the site in such a manner as to prevent any wastewater from entering into the bayou from the facility;
6. Seal every pipe, inlet or other method of conveyance of wastewater from US Oil Recovery, L.P. site at 400 North Richey to the facility at 200 North Richey;
7. Clean up spills or discharges of any wastewater on site timely and before it is discharged off site and/or into the bayou.; and
8. Any wastewater that is removed from the site has to be removed to a facility authorized to receive the water by the TCEQ.

IT IS FURTHER ORDERED that plaintiff, pursuant to Tex. Civ. Prac. & Rem. Code. Ann. §6.001 is not required to file a bond in support of this order.

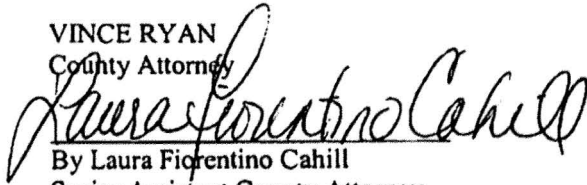
IT IS FURTHER ORDERED that a temporary injunction hearing is set at 9:00 a.m. on the 15<sup>th</sup> day of June, 2009, in the 125<sup>th</sup> District Court of Harris County, located at 261 Condivo, 10<sup>th</sup> Floor, Houston Texas 77002

SIGNED this 29<sup>th</sup> day of May, 2009 at 5:19 p.m.

  
JUDGE PRESIDING

APPROVED AND ENTRY REQUESTED:

VINCE RYAN  
County Attorney

A handwritten signature in cursive script, reading "Laura Fiorentino Cahill", written over a horizontal line.

By Laura Fiorentino Cahill  
Senior Assistant County Attorney  
Environmental Division  
State Bar No. 00785742  
1019 Congress Avenue, 15th Floor  
Houston, Texas 77002  
Telephone: (713) 755-7962  
Fax: (713) 755-2680

**ATTORNEYS FOR PLAINTIFF  
HARRIS COUNTY, TEXAS**

Harris County  
**HCPHES**  
Public Health & Environmental Services  
Environmental Public Health Division

**SAMPLE DATA**

MMC Recycling c/o U.S. Oil Recovery L.P.,  
Genssler Env. Holdings, LLC, 6363 Woodway Drive, Ste. 1125  
Houston, TX 77057-1758  
ATTN: Integrated MCC Solutions LLC and  
SAMPLE LOCATION: MCC Recycling - Rut from spill - East side

ID NO.: 15233  
SAMPLE NO.: NA-2453  
OUTFALL: NA  
SAMPLE DATE: 05/29/09  
SAMPLE TIME: 9:20 AM  
RUN NO.: 2009E29

SAMPLE AMOUNT      1x1qt-P    1x40ml-GP    1x40ml-GP    1x40ml-GP    1x40ml-GP

APPEARANCE: Water

SAMPLED BY: Elizabeth A. Guynn

Tony . Tomlinson

VN SENT: \_\_\_\_\_

PLANT TYPE: NON PERMITTED    SAMPLE TYPE: Grab

COPY TO: \_\_\_\_\_

**LABORATORY ANALYSIS**

PARAMETER	ANALYTICAL RESULTS			SPIKE %
	ORIGINAL	DUPLICATE	RECHECK	
Total Organic Carbon	3,646			
Car. Biochem. Oxy. Demand	5,858			
Total Petroleum Hydrocarbons	*			
Volatile Organics - Water	**			

**SAMPLE COMMENTS**

\* C6-C12: 24.1 mg/l

>C12-C28: 38.2 mg/l

>C28-C35: 9.51 mg/l

TOTAL 71.81 mg/l

\*\* See attachment.

Revised Report. TPH results changed from 67.63 mg/l to 71.81 mg/l

APPROVED DATE

APPROVED BY

6/9/09  
*Chris Brally*  
LABORATORY DIRECTOR

1A  
VOLATILE ORGANICS ANALYSIS DATA SHEET

EPA SAMPLE NO.

MCC NA-2453

CUSTOMER MCC RECYCLING PERMIT NA-2453

LAB E.P.H. ID # 15233 MISC.            RUN # 09 E 29

Matrix: (soil/water) WATER Lab Sample ID: MCC RECYCLING,

Sample wt/vol: 5.0 (g/ml) ML Lab File ID: V060209N.D

Level: (low/med) LOW Date Received: 5/29/2009

% Moisture: not dec.                      Date Analyzed: 6/2/2009

GC Column: DB-624 ID: 0.32 (mm) Dilution Factor: 100.0

Soil Extract Volume:                      (uL) Soil Aliquot Volume:                      (uL)

CONCENTRATION UNITS:

CAS NO.	COMPOUND	(ug/L or ug/Kg)	UG/L	Q
75-71-8	Dichlorodifluoromethane		500	U
74-87-3	Chloromethane		500	U
75-01-4	Vinyl Chloride		500	U
74-83-9	Bromomethane		500	U
75-69-4	Trichlorofluoromethane		500	U
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroetha		500	U
75-35-4	1,1-Dichloroethene		500	U
67-64-1	Acetone		20000	D
75-15-0	Carbon Disulfide		500	U
79-20-9	Methyl acetate		790	D
75-09-2	Methylene chloride		500	U
1634-04-4	MTBE		500	U
156-60-5	trans-1,2-Dichloroethene		500	U
75-34-3	1,1-Dichloroethane		500	U
156-59-2	cis-1,2-Dichloroethene		500	U
78-93-3	2-Butanone		3700	D
67-66-3	Chloroform		500	U
71-55-6	1,1,1-Trichloroethane		500	U
1110-82-7	Cyclohexane		500	U
56-23-5	Carbon Tetrachloride		500	U
107-06-2	1,2-Dichloroethane		500	U
71-43-2	Benzene		500	U
79-01-6	Trichloroethene		500	U
78-87-5	1,2-Dichloropropane		500	U
108-87-2	Methylcyclohexane		500	U
75-27-4	Bromodichloromethane		500	U
10061-01-5	cis-1,3-Dichloropropene		500	U
108-10-1	4-Methyl-2-pentanone (MIBK)		500	U
108-88-3	Toluene		500	U
10061-02-6	trans-1,3-Dichloropropene		500	U
79-00-5	1,1,2-Trichloroethane		500	U
591-78-6	2-Hexanone		500	U
127-18-4	Tetrachloroethene		500	U
124-48-1	Dibromochloromethane		500	U
106-93-4	1,2-Dibromoethane		500	U
108-90-7	Chlorobenzene		500	U
100-41-4	Ethylbenzene		500	U
108383	m/p Xylene		1000	U
95476	o Xylene		500	U

FORM I VOA

OLM03.0

1A  
VOLATILE ORGANICS ANALYSIS DATA SHEET

EPA SAMPLE NO.

**MCC NA-2453**

CUSTOMER MCC RECYCLING

PERMIT NA-2453

LAB E.P.H. ID # 15233 MISC.            RUN # 09 E 29

Matrix: (soil/water) WATER Lab Sample ID: MCC RECYCLING,

Sample wt/vol: 5.0 (g/ml) ML Lab File ID: V060209N.D

Level: (low/med) LOW Date Received: 5/29/2009

% Moisture: not dec.                      Date Analyzed: 6/2/2009

GC Column: DB-624 ID: 0.32 (mm) Dilution Factor: 100.0

Soil Extract Volume:                      (uL) Soil Aliquot Volume:                      (uL)

CONCENTRATION UNITS:

CAS NO.	COMPOUND	(ug/L or ug/Kg)	UG/L	Q
100-42-5	Styrene		500	U
75-25-2	Bromoform		500	U
98-82-8	Isopropylbenzene		500	U
79-34-5	1,1,2,2-Tetrachloroethane		500	U
541-73-1	1,3-Dichlorobenzene		500	U
106-46-7	1,4-Dichlorobenzene		500	U
95-50-1	1,2-Dichlorobenzene		500	U
96-12-8	1,2-Dibromo-3-Chloropropane		500	U
120-82-1	1,2,4-Trichlorobenzene		500	U

1E  
VOLATILE ORGANICS ANALYSIS DATA SHEET  
TENTATIVELY IDENTIFIED COMPOUNDS

EPA SAMPLE NO.

**MCC NA-2453**

CUSTOMER MCC RECYCLING PERMIT NA-2453

LAB E.P.H. ID # 15233 MISC.            RUN # 09 E 29

Matrix: (soil/water) WATER Lab Sample ID: MCC RECYCLING,

Sample wt/vol: 5.0 (g/ml) ML Lab File ID: V060209N.D

Level: (low/med) LOW Date Received: 5/29/2009

% Moisture: not dec.                      Date Analyzed: 6/2/2009

GC Column: DB-624 ID: 0.32 (mm) Dilution Factor: 100.0

Soil Extract Volume:                      (uL) Soil Aliquot Volume:                      (uL)

CONCENTRATION UNITS:

(ug/L or ug/Kg) UG/L

Number TICs found: 7

CAS NO.	COMPOUND NAME	RT	EST. CONC.	Q
1. 000064-17-5	Ethyl alcohol	7.74	2200	JND
2. 000067-63-0	Isopropyl Alcohol	8.74	1600	JND
3. 000124-18-5	Decane	19.44	860	JND
4. 001120-21-4	Undecane	22.00	600	JND
5. 000629-50-5	Tridecane	24.97	780	JND
6.	unknown	25.49	590	JD
7. 001120-21-4	Undecane	29.02	730	JND

## CHAIN OF CUSTODY

[illegible]



Harris County  
**HCPHES**  
Public Health & Environmental Services  
Environmental Public Health Division

**SAMPLE DATA**

U.S. Oil Recovery L.P., Integrated MCC Solutions LLC  
6363 Woodway Drive, Suite 1125  
Houston, TX 77057-1758  
ATTN: and Gensler Environmental Holdings, LLC  
SAMPLE LOCATION: MCC Recycling - Clarifier East side

ID NO.: 15233  
SAMPLE NO.: NA-2452  
OUTFALL: NA  
SAMPLE DATE: 05/29/09  
SAMPLE TIME: 8:51 AM  
RUN NO.: 2009E29

SAMPLE AMOUNT 1x1qt-P 1x40ml-GP 1x40ml-GP 1x40ml-GP 1x40ml-GP

APPEARANCE: Water

SAMPLED BY: Elizabeth A. Guynn

Tony . Tomlinson

VN SENT: \_\_\_\_\_

PLANT TYPE: NON PERMITTED SAMPLE TYPE: Grab

COPY TO: \_\_\_\_\_

**LABORATORY ANALYSIS**

PARAMETER	ANALYTICAL RESULTS		SPIKE %
	ORIGINAL	DUPLICATE RECHECK	
Total Organic Carbon	4,652		
Car. Biochem. Oxy. Demand	7,510		
Total Petroleum Hydrocarbons	*		
Volatile Organics - Water	**		

**SAMPLE COMMENTS**

\* C6-C12: 63.5 mg/l

>C12-C28: 76.8 mg/l

>C28-C35: 20.0 mg/l

TOTAL 160.3 mg/l

\*\* See attachment.

Revised report. TPH results changed from 159.3 mg/l to 160.3 mg/l

APPROVED DATE

APPROVED BY

6/9/09  
*[Signature]*  
LABORATORY DIRECTOR

1A  
VOLATILE ORGANICS ANALYSIS DATA SHEET

EPA SAMPLE NO.

MCC NA-2452

CUSTOMER MCC RECYCLING PERMIT NA-2452

LAB E.P.H. ID # 15233 MISC.            RUN # 09 E 29

Matrix: (soil/water) WATER Lab Sample ID: MCC RECYCLING

Sample wt/vol: 5.0 (g/ml) ML Lab File ID: V060209O.D

Level: (low/med) LOW Date Received: 5/29/2009

% Moisture: not dec.                      Date Analyzed: 6/2/2009

GC Column: DB-624 ID: 0.32 (mm) Dilution Factor: 100.0

Soil Extract Volume:                      (uL) Soil Aliquot Volume:                      (uL)

CONCENTRATION UNITS:

CAS NO.	COMPOUND	(ug/L or ug/Kg)	UG/L	Q
75-71-8	Dichlorodifluoromethane		500	U
74-87-3	Chloromethane		500	U
75-01-4	Vinyl Chloride		500	U
74-83-9	Bromomethane		500	U
75-69-4	Trichlorofluoromethane		500	U
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroetha		500	U
75-35-4	1,1-Dichloroethene		500	U
67-64-1	Acetone		29000	D
75-15-0	Carbon Disulfide		500	U
79-20-9	Methyl acetate		3000	D
75-09-2	Methylene chloride		500	U
1634-04-4	MTBE		500	U
156-60-5	trans-1,2-Dichloroethene		500	U
75-34-3	1,1-Dichloroethane		500	U
156-59-2	cis-1,2-Dichloroethene		500	U
78-93-3	2-Butanone		11000	D
67-66-3	Chloroform		500	U
71-55-6	1,1,1-Trichloroethane		500	U
1110-82-7	Cyclohexane		500	U
56-23-5	Carbon Tetrachloride		500	U
107-06-2	1,2-Dichloroethane		500	U
71-43-2	Benzene		500	U
79-01-6	Trichloroethene		500	U
78-87-5	1,2-Dichloropropane		500	U
108-87-2	Methylcyclohexane		500	U
75-27-4	Bromodichloromethane		500	U
10061-01-5	cis-1,3-Dichloropropene		500	U
108-10-1	4-Methyl-2-pentanone (MIBK)		500	U
108-88-3	Toluene		500	U
10061-02-6	trans-1,3-Dichloropropene		500	U
79-00-5	1,1,2-Trichloroethane		500	U
591-78-6	2-Hexanone		500	U
127-18-4	Tetrachloroethene		500	U
124-48-1	Dibromochloromethane		500	U
106-93-4	1,2-Dibromoethane		500	U
108-90-7	Chlorobenzene		500	U
100-41-4	Ethylbenzene		500	U
108383	m/p Xylene		1400	D
95476	o Xylene		620	D

1A  
VOLATILE ORGANICS ANALYSIS DATA SHEET

EPA SAMPLE NO.

**MCC NA-2452**

CUSTOMER MCC RECYCLING

PERMIT NA-2452

LAB E.P.H.

ID # 15233

MISC.         

RUN # 09 E 29

Matrix: (soil/water) WATER

Lab Sample ID: MCC RECYCLING,

Sample wt/vol: 5.0 (g/ml) ML

Lab File ID: V060209O.D

Level: (low/med) LOW

Date Received: 5/29/2009

% Moisture: not dec.         

Date Analyzed: 6/2/2009

GC Column: DB-624 ID: 0.32 (mm)

Dilution Factor: 100.0

Soil Extract Volume:          (uL)

Soil Aliquot Volume:          (uL)

CONCENTRATION UNITS:

CAS NO.	COMPOUND	(ug/L or ug/Kg)	UG/L	Q
100-42-5	Styrene		500	U
75-25-2	Bromoform		500	U
98-82-8	Isopropylbenzene		500	U
79-34-5	1,1,2,2-Tetrachloroethane		500	U
541-73-1	1,3-Dichlorobenzene		500	U
106-46-7	1,4-Dichlorobenzene		500	U
95-50-1	1,2-Dichlorobenzene		500	U
96-12-8	1,2-Dibromo-3-Chloropropane		500	U
120-82-1	1,2,4-Trichlorobenzene		500	U

1E

VOLATILE ORGANICS ANALYSIS DATA SHEET  
TENTATIVELY IDENTIFIED COMPOUNDS

EPA SAMPLE NO.

MCC NA-2452

CUSTOMER MCC RECYCLING PERMIT NA-2452

LAB E.P.H. ID # 15233 MISC.            RUN # 09 E 29

Matrix: (soil/water) WATER Lab Sample ID: MCC RECYCLING,

Sample wt/vol: 5.0 (g/ml) ML Lab File ID: V0602090.D

Level: (low/med) LOW Date Received: 5/29/2009

% Moisture: not dec.            Date Analyzed: 6/2/2009

GC Column: DB-624 ID: 0.32 (mm) Dilution Factor: 100.0

Soil Extract Volume:            (uL) Soil Aliquot Volume:            (uL)

## CONCENTRATION UNITS:

(ug/L or ug/Kg) UG/LNumber TICs found: 17

CAS NO.	COMPOUND NAME	RT	EST. CONC.	Q
1. 000105-05-5	Benzene, 1,4-diethyl-	21.93	670	JND
2. 001120-21-4	Undecane	22.00	1600	JND
3. 000874-41-9	Benzene, 1-ethyl-2,4-dimethyl-	22.68	510	JND
4. 000934-80-5	Benzene, 4-ethyl-1,2-dimethyl-	22.87	1300	JND
5. 000527-84-4	Benzene, 1-methyl-2-(1-methylethyl)-	23.72	520	JND
6. 000488-23-3	Benzene, 1,2,3,4-tetramethyl-	23.95	690	JND
7. 000488-23-3	Benzene, 1,2,3,4-tetramethyl-	24.11	1400	JND
8. 001120-21-4	Undecane	24.98	2000	JND
9. 000527-53-7	Benzene, 1,2,3,5-tetramethyl-	25.48	1700	JND
10. 000091-20-3	Naphthalene	28.06	940	JND
11. 000629-50-5	Tridecane	29.02	1700	JND
12. 000064-17-5	Ethyl alcohol	7.74	2800	JND
13. 000067-63-0	Isopropyl Alcohol	8.74	2600	JND
14. 000098-82-8	Benzene, (1-methylethyl)-	18.86	750	JND
15. 000124-18-5	Decane	19.43	550	JND
16. 000124-18-5	Decane	19.64	1500	JND
17. 000095-63-6	Benzene, 1,2,4-trimethyl-	20.53	700	JND

# FICPHIES

**ENVIRONMENTAL PUBLIC HEALTH DIVISION**  
**LABORATORY SERVICES**  
107 North Munger, Pasadena, TX  
713-920-2831 FAX 713-477-8963

## CHAIN OF CUSTODY

14-00000  
14-07 EAG

Revision No. 2.0